

ABC Colombia

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Towards Transformative Change: Women and the Implementation of the Colombian Peace Accord



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Executive Summary

Women and women's civil society organisations (CSOs) were told for two years, when they tried to raise the situation of women and women's rights in peace processes: now is not the time. Now is not the time to be talking about women, now is not the time to be talking about women's rights; when there is an end to the armed conflict, then we can talk about women and women's rights. Any peace process will encounter difficulties during the talks but ignoring the rights of women is not the answer to sustainable peace. Various studies demonstrate that women's direct participation in peace negotiations contributes to the quality and durability of peace.¹ If Colombian women had been silenced and pushed into the background by this pressure, there would be no gender perspective in the Final Colombian Peace Accord (FPA). The FPA demonstrates that now is always the time to talk about women's rights – or human rights – as women's rights are human rights. Inclusiveness is central to sustainable peace and to peace building. It is crucial that the FPA is implemented and that it brings transformative change and justice for women. It is crucial that women are equally involved in all of the decision-making spaces regarding implementation of the FPA.

Colombian CSOs campaigned for two years to get women front-line negotiators in the Peace Talks. Having achieved this, women's CSOs promoted and supported a ground-breaking Gender Sub-Commission to be established at the Peace Talks. As a result of the work of this Sub-Commission, a gender perspective was included in all the agreements in the FPA. The FPA also contains detailed information on the framework for implementation with a gender-based approach. The international normative context created by UN Security Council Resolution 1325 and subsequent resolutions on Women, Peace and Security (WPS) supported Colombian women's campaign for inclusion.

Gender does not refer just to women; rather, it is about the relationship between men and women and socially constructed roles which are ascribed, as opposed to biological and physical characteristics. Gender roles are learnt and vary according to socioeconomic, political and cultural contexts, and are affected by age, race, class and ethnicity.² The FPA defines the gender-based approach as the, 'acknowledgement of women as independent citizens with rights, who, irrespective of their marital status, or relationship to their family or community, have access, on an equal footing to men, to ownership of land and production projects, funding options, infrastructure, technical services and training, inter alia; attention is to be given to the social and institutional conditions that have prevented women from gaining access to the assets of production and to public and social benefits.'³ Whilst recognising this, for the purposes of this report we will focus on women in relation to the gendered agreements and their implementation.

This report, launched in Colombia on the second anniversary of the FPA, builds on events held by ABColombia in London on the first anniversary in November 2017, which included a conference and a closed high-level roundtable event. The roundtable event brought together representatives of governments, parliaments

and civil society from several countries that have played a key role in the peace process, including the Republic of Colombia, the United Kingdom, the Republic of Ireland, the Kingdom of Sweden, the Kingdom of Norway and the European Union. The discussions and the recommendations from these two events led to this report written a year after. It discusses the key agreements benefiting women, their current level of implementation and the role that women are playing. It incorporates issues and analysis from the conference along with the advances in implementation made by November 2018, and makes recommendations for the new Colombian Government, the governments of the UK, Ireland, Sweden and Norway and the European Union.

Written at the end of 2018, the present report considers the change in government in Colombia. The current president, Iván Duque Márquez, came into office on 7 August 2018. Previously, the outgoing government of President Juan Manuel Santos engaged in the Peace Talks with the FARC for over four years, with the FPA being signed on 24 November 2016. Since President Duque entered office, he has stated his intention to continue implementing the FPA. The State made a commitment, under Santos, to implement the FPA for a period of three presidential terms.⁴ The UN Security Council welcomed President Duque and re-iterated their, and his, responsibility, to continue to support the implementation of the FPA.⁵

Colombia has an opportunity, in the implementation of the FPA, to renegotiate women's political power, advance gender equality and promote structural change. However, this report finds that whilst women are participating in the implementation of the FPA, this tends to be at the lower and medium levels of decision-making; women are still in the minority outside of discussions on gender, and they continue being excluded from high-level decision-making committees.⁶ Whilst the FPA offers important possibilities for concrete changes for women, so far only 4% of these agreements have been fully implemented and for 51% of the agreements, implementation has not even been initiated.⁷ This highlights the importance of the Duque government allocating greater resources to the implementation of the gendered agreements and taking action to guarantee that women are represented, at all levels and on all decision-making committees for the implementation of the FPA. To address structural inequality and institutional barriers, the affirmative measures envisaged in the FPA will be essential. It must also be ensured that women's participation is not limited to the implementation of the FPA, but that they are

“Whilst the Peace Accord offers the possibility of transformative change for women, only 4% of the gender-based agreements have been fully implemented.”

“Now is always the time to talk about women’s rights – or human rights – as women’s rights are human rights.”



also present in the institutions and mechanisms of state-building and development planning.⁸

Final Peace Accord: Agreements

The FPA contains agreements on: Comprehensive Rural Reform, Political Participation, Security Guarantees (for ex-combatants as well as communities and HRDs), Solution to the Illicit Drugs Problem, Victims and Implementation and Verification Mechanisms, and Ethnic Perspectives. This report looks at these in relation to women under the thematic headings of Rural Reform and Development; Victims and the Integrated System for Truth, Justice, Reparation and Non-repetition (SIVJRIN); Protection; and FARC reinsertion. The FPA guidelines for implementation state: ‘the conditions in order for equality to be real and effective will be guaranteed in its implementation, and affirmative measures will be adopted in favour of groups that are discriminated against or marginalised, taking a territorial-based, equity-based and gender-based approach into consideration.’⁹ Moreover, the gender-based approach must be ‘...applied in a cross-cutting manner in implementing the whole of the Agreement.’¹⁰

Women’s CSOs created effective alliances to advocate for progressive social and political agreements in the FPA; these were led by the Cumbre de Mujeres (consisting of 9 women’s networks) and the Alianza Cinco Claves (consisting of Sisma Mujer, Humanas and the Women’s Network). This cooperation across women’s organisations with different political perspectives led to their proposals being incorporated into the FPA; this included, in the case of Cinco Claves, securing no amnesties or pardons for conflict sexual violence (CSV), as well as other innovative recommendations on the transitional justice mechanisms.¹¹ The UN’s work on women and CSV, and the UK’s promotion of a Declaration of Commitment to End Sexual Violence in Conflict (2014) served to support the work of CSOs on CSV. The hard-won gains of women’s CSOs were also across other agreements: political participation, which offers the possibility of strengthening democracy by prioritising equal participation of women in decision-making committees; several chapters incorporate development and a gender focus aimed at addressing social and economic

inequalities, especially those experienced by women, and which have made them particularly vulnerable to violence. If these are fully implemented, then the FPA holds the potential for transformative change for women in Colombia.

A Gender-Based Approach: Designing Local Development Plans

One of the key themes running through the FPA is that of increased citizen participation and de-centralisation. This is in order to promote democracy at the local level. The lack of state intuitions at the local level, or institutions that are weak or corrupt, has been a feature of this conflict.

The Development Plans with a Territorial Focus (PDET), a crucial flag-ship programme in the Comprehensive Rural Reform (RRI) chapter, sets out to guarantee participation at the local level in development planning; to achieve this, workshops were held locally. Women represented just over 40% of the participants in these workshops; despite this, there is only one plan that has incorporated a gender-based approach with concrete programmes to address the specific needs of women.¹² Various reasons have been put forward for this, including the methodology, which promoted a generalised discussion instead of taking specific issues into account. However, women’s CSOs say that on the one hand several of them were not invited to these discussions and on the other, the proposals that they did put forward did not appear in the final ‘community pacts’.¹³ Since the PDETs have the potential to run for the next 15-years, this report recommends a further round of workshops at the local level, whereby women’s CSOs and women’s representatives of Indigenous and Afro-Colombian communities, in the localities where the PDETs were designed, can add a gender focus. Inequalities in economic and social rights are some of the root causes of this conflict; addressing these through development strategies is vital for sustainable peace.

Colombia has in parallel to the FPA been developing other economic policies that rely heavily on extractive industries, agribusiness and infrastructure projects, such as the Zones of Interest for Economic and Social Rural Development (ZIDRES), which disproportionately benefit those who are the most powerful. ZIDRES, for example, is in direct opposition to access to land for the poorest as stipulated in the FPA; as a result, ZIDRES is likely to impact on a central feature in the RRI, that of promoting the campesino economy. Colombia needs to ensure that new public policies are harmonised with those in the FPA, in order to promote consistent policy making across all government departments with a focus on sustainable economic development strategies that benefit all social groups. This is essential for re-building trust and re-establishing the social contract with rural communities. Ensuring women’s participation in decision-making about the economy and access to resources is also crucial to ensuring gender-responsive and inclusive policies.¹⁴ According to the Kroc Institute, the RRI is one of two chapters with the lowest percentage of the agreements implemented to date.¹⁵

If Colombia succeeds in implementing the PDETs as envisaged in the FPA, this will also go a long way to meeting its international commitments in CEDAW Recommendation 30, as well as Sustainable Development Goal One (1.4) on addressing rural development with a focus on the poor and the vulnerable, and promoting more equal access to economic resources, basic services, land ownership, and target (1.B), on creating sound policy frameworks at the national, regional and international levels, based on pro-poor and gender-sensitive development strategies, to support accelerated investment in poverty eradication actions.

Women and a Solution to the Illicit Drug Problem

The FPA has taken an integrated approach to crop substitution, which acknowledges that, in the situation of extreme poverty, it is essential to establish a viable alternative crop before fully eradicating coca. The approach taken is one of voluntary substitution for small and medium producers based on social and health considerations rather than criminalisation.

The conditions of extreme poverty and lack of any alternatives drove women and men into coca cultivation, creating a new category of farmers called *cocaleros/cocaleras*.¹⁶ The conditions of extreme poverty in rural areas impact hardest on women; in this context, coca cultivation provided a lifeline for their survival, a means of providing for their families, and often of escaping domestic violence. Despite providing a sustainable subsistence crop, coca cultivation has at the same time reinforced structural impoverishment and locked women into an illegal economic system.¹⁷ In addition, *cocalera* women are frequently further discriminated against and experience further violence because, as strong and vocal women, they challenge the traditional gender norms.¹⁸ Whilst the drugs chapter in the FPA has a gender focus, Decree 896 of 2017, for its implementation does not address the conditions faced by *cocalera* women. If there is to be a viable alternative for *cocalera* women, it is imperative that policies in the National Comprehensive Programme for the Substitution of Illicit Crops and the Immediate Response Plan address the realities for rural women through an integrated approach to the multiple forms of discrimination that impact on their lives. This includes addressing mechanisms of participation to ensure that women *cocalera* organisations are represented in decision-making spaces regarding plans for illicit crop substitution.

However, due to international pressure, there has been a major back-track on all the FPA agreements around coca cultivation, with forced eradication re-starting under the Santos Government in February 2018. Out of the first 35 forced coca-crop eradication actions, 21 were in communities that had already signed up for voluntarily substitution.¹⁹ The return to forced eradication has generated widespread social protests, often ending in violent repression. Forced eradication is increasing social unrest just at a time when the Colombian Government needs to re-build the social contract with rural communities and demonstrate that they can and will deliver on its commitments.

Women and the Ethnic Chapter

A humanitarian crisis has been generated in rural areas by conflict between illegal armed actors (paramilitaries, ELN Guerrilla and dissidents of the FARC), who are vying for control of natural resources and the drugs trade.²⁰ Simply responding militarily in these areas is worsening the security situation. This is especially true when the Security Forces, disregarding Indigenous forms of governance and territorial control, enter their territories.

Indigenous, Afro-Colombian, black, palenquero, raizal and Roma communities see the structural causes of the conflict, and therefore sustainable peace, in terms of addressing social, economic and cultural injustices. Within the FPA one of the mechanisms seen as vital for upholding their rights – this is also enshrined in the Constitution – is that of free, prior and informed consultation and consent (FPIC). Women from these communities are often marginalised in the decision-making processes of FPIC, gender-sensitive measures are needed to guarantee their equal participation in this key tool for safeguarding their cosmovision of development.

One of the key themes of the FPA is the prioritisation of women in terms of access to land. Indigenous authorities grant parcels of land, in collectively owned territory, to each family. However, as Indigenous women are frequently not recognised as heads of household (only men are recognised in this role) they, together with single women, are excluded from this allocation of territory. Therefore, establishing the real situation of property and access to land within the collective property regimes will be essential if all women are to be prioritised in terms of access to land.

Despite the centrality of FPIC in the Ethnic Perspectives Chapter, there is a draft law being proposed at the time of writing to 'Regulate the Fundamental Right to Prior Consultation', which has generated serious disquiet. One of the concerns is that, instead of safeguarding rights regarding the form in which Indigenous and Afro-descendant territories are developed, these new regulations will restrict and minimise communities' rights to autonomy and self-determination in development. These rights are currently guaranteed in the Constitution and re-iterated in the FPA.



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Women and Protection

The situation generally in Colombia for HRDs has spread considerable alarm amongst national and international organisations and the diplomatic community. One in every three defenders killed globally in 2017 was Colombian.

The work of WHRDs on the gender focus in the Peace Accord and more recently its implementation has raised their profile. Threats, attacks and killings differ from their male counterparts in that women are not only attacked for defending the rights of others, but also because, by earning a visible place in the public sphere they have crossed a ‘limit imposed’ on women and are being ‘punished’ for that.²¹ The number of women killed annually doubled during the Peace Talks between 2012 and 2016, and then doubled again in just one year, from 2016 to 2017. This followed the plebiscite (August 2016) and the ‘No’ vote campaign being characterised as a vote against the so-called ‘gender ideology’ in the Peace Accord. The attacks against WHRDs have become more brutal in the last year,²² threats containing sexist content, allusions to the female body and sexual insinuations, differ from threats received by their male counterparts.²³ The discriminatory and disdainful attitudes displayed in these threats portray a patriarchal vision that seeks to appropriate the female body.²⁴

To date, the advances in protection for WHRDs are outside of the FPA agreements. In June 2018, the National Committee for Guarantees working with the women’s movement, including ABColombia partner Sisma Mujer, created the Comprehensive Programme for Women Leaders and HRDs; its effectiveness will depend on implementation.

Women CSOs have raised concerns about their lack of representation on high-level decision-making bodies. An example of this is the High-level Security Guarantees Commission for the implementation of the FPA. Following an official complaint by women’s CSOs, female representatives were invited to attend; however, this invitation was later withdrawn. Even women’s CSO’s suggestion to sit instead on the Gender Sub-Commission of this committee was refused, disregarding the affirmative action measures envisaged by the FPA; this has left both commissions without any representation from women’s CSOs. Affirmative measures to promote women’s participation are strongly supported also by Colombia’s international commitments to implement the UN Security Council’s WPS resolutions and CEDAW General Resolution 30.

Currently, the Colombian Police Force is incorporated in the Ministry of Defence which generates a military culture within the Police “Force,” rather than promoting the culture of a civilian Police “Service.” This impacts particularly on the protection of rural women and girls from violence, as they report being told by police officers that the violence they are experiencing is a private and not a police matter. There are a range of reforms needed if the Police are to be viewed by the local population as a civilian service promoting social cohesion.²⁵

Despite women being supported by the normative basis provided in international commitments, for their participation in peace and security, they can only exercise their rights in practice if they can alter the gender hierarchies that deny them access to powerful decision-making spaces where they can influence policies.²⁶

Women and Transitional Justice (SIVJRN)

Colombia has established a complex set of provisions for dealing with transitional justice challenges through mechanisms for truth, justice, reparation and non-repetition (SIVJRN), it has also guaranteed no pardons or amnesties for crimes of CSV. No amnesty for CSV is extremely important for challenging pre-existing norms and patterns of discrimination against women. It is also essential for transformative justice, as the trauma of CSV has lasting effects not only on the survivors but also on society as a whole; therefore, it is essential that justice is done and seen to be done.²⁷

An important contribution to the procedures for guaranteeing women’s rights is the formation of a Special Investigation Team on Sexual Violence within the Investigation and Accusation Unit of the Special Jurisdiction for Peace (JEP). The current lack of clarity regarding the procedures for victims’ participation in the SIVJRN means tension and anxiety is being created at the first hurdle. Once cases are accepted into the JEP, the management of the judicial processes is crucial, as victims frequently re-live the trauma and suffer anew, especially in cases of CSV. As part of that protection it is important that survivors of CSV are not confronted with their aggressors.²⁸ Practices that have been used elsewhere include being permitted to give statements via videoconference and closed sessions to protect the identities of victims and witnesses.²⁹ The prioritisation and selection process for cases may also create obstacles for CSV entering the JEP. Applying a gender-based approach to these will therefore be essential.

The Truth Commission (CEV) has adopted gender violence as a thematic area for investigation; yet, some CSOs express concerns that unless there is a specific thematic area covering CSV within gender violence, it is unlikely that the real magnitude of these crimes and their impact on women will be revealed.³⁰

The effective functioning of SIVJRN not only sends a message that sexual and gender-based violence will not be tolerated, which may deter future recourse to violence against women, ‘but it can also reassure citizens that the government is committed to accountability, justice, rule of law, with the potential to improve public trust in state offices.’³¹

Although combat killings have dropped dramatically, sexual violence in the context of the ongoing armed conflict remains a constant dynamic, with a variation in the armed actors, but with an equally disproportionate impact on women. The lack of safeguards mean rural women are still silent. It was hoped that following the signing of the FPA, especially Indigenous and Afro-Colombian women would no longer have to remain silent about what the armed conflict has done to them; however, in reality,

“Social and economic inequalities increase women’s vulnerability to violence.”

they report that the return of ex-combatants to the local area mean that rural women are intimidated and fear reprisals against those who speak out.³² It is essential that all mechanisms of the SIVJRN establish a direct line of communication with Indigenous and Afro-descendent women authorities.

There is a strong link between CSV and inequality, therefore, when thinking about transformative reparations for women, physical security and non-repetition, their socio-economic and cultural conditions need to be taken into account.³³ Social and economic inequalities have increased women’s vulnerability to violence. Transformative reparations therefore should be connected to broader development policies.³⁴ The SIVJRN, together with the other provisions in the FPA, should provide transformative justice for women by addressing not only the singular violation experienced, but also the underlying inequalities which render women and girls vulnerable in the first place. Women’s participation in decision-making is difficult to achieve if other basic rights are not secured such as access to sustainable employment, healthcare, housing and nutrition and safety, and protection for WHRDs.³⁵

Women and reincorporation

The implementation of the political aspect of reincorporation for the FARC has had some tangible results with the creation of a political party - Common Alternative Revolutionary Force (Fuerza Alternativa Revolucionaria del Común - FARC), which participated in the 2018 congressional elections. As a political party, the FARC declared itself to be inherently feminist, and in a positive move, 39% of their candidates for the 2018 congressional elections were women. However, out of the 10 Congress seats awarded to them in the FPA only two seats are filled with women.

Whilst the FARC complied with the FPA moving to the Transitional and Normalisation Zones (TNZs) and laying down of arms, the government has failed at all stages of the process, so far, to make adequate provision for the ex-combatants in line with the agreements in the FPA.

The FARC’s reintegration strategy specifically aims at encouraging the active participation of women in collective production projects with the objective of guaranteeing economic autonomy for women.³⁶ The State has been exceptionally slow in providing these. As a result of the delays, female ex-combatants in many regions started establishing joint productive initiatives for women³⁷ with the support of the UN, who created a high-level forum to facilitate international funding in support of female ex-combatants’ economic projects.³⁸ It was not until June 2018, that a reintegration policy with gender-specific actions was adopted by the government. Progress is now being made in determining and prioritising productive projects led by female ex-combatants.³⁹ In September 2018, for the first time, the UN Verification Mission noted significant progress in relation to the economic integration of female ex-combatants.⁴⁰

However, significant and swift measures are needed to ensure the implementation of the National Policy for Reintegration and to provide viable and sustainable economic opportunities for ex-combatants.⁴¹ Inclusive economic projects are not only essential for development and reintegration, but also for the sustainability of peace. This is particularly important in light of the existing incentives for both men and women to leave the peace process and join other illegal armed groups.⁴²

Women and implementation

Globally, there are plenty of examples of where women engaged in peace talks, only to be pushed to the periphery once a peace accord was signed.⁴³ Colombia has the opportunity to once again lead the world, by taking a gender-based approach to policy-making and guaranteeing the full participation of women’s CSOs in the implementation of the FPA, at every level of decision-making. The High-level Security Commission is one of their first challenges. If Colombia addresses this challenge, it will bring about a transformative change for Colombian city, rural, peasant farmer, Indigenous and Afro-Colombian women. Many of the agreements are supported by laws that Colombia has already passed, such as Law 1257, and international commitments made by Colombia since 1982, e.g. when it ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), endorsed Resolution 1325 (2000) and subsequent Security Council Resolutions, and in 2014, when it signed the UK-led Declaration of Commitment to End Sexual Violence in Conflict. This government has made a good start with the election of Marta Lucia Ramirez as the first women Vice-President and in appointing 50% of cabinet places to women in August 2018.

What the Government now needs is to set a gender-specific budget to ensure that the gendered priorities of peacebuilding have the resources needed for delivery. Gender-specific budgeting is a way of guaranteeing that national and local authorities take a gendered approach to development and in all institutional policies.⁴⁴ If this does not happen it will impact negatively on transformative justice and in turn, Colombia will miss the opportunity for ensuring sustainable peace for women and men.

Endnotes

- ¹ Baroness Anelay, speaking at the ABColombia Conference on Colombia Securing Peace: Women's Achievements and the Challenges Ahead, citing Preventing Conflict, Transforming Justice, Securing Peace, UN Global Study on the implementation of Security Council resolution 1325; Women's Participation in Peace Negotiations and the Durability of Peace Jana Krause, Werner Krause & Piia Bränfors
- ² UN Women, A Global Study on the Implementation of United Nations Security Council resolution 1325, 2015
- ³ AFP, Section on Principles page 12
- ⁴ Art. 2 del Acto Legislativo 02 de 2017 & Corte Constitucional, Comunicado No. 51, 11 October 2017.
- ⁵ Security Council Press Statement on Colombia, SC/13538, of 11 October 2018.
- ⁶ 2018 Informe Especial del Instituto Kroc y el acompañamiento internacional, ONU Mujeres, FDIM y Suecia, al seguimiento del enfoque de género en la implementación del Acuerdo Final, December 2016-June 2018
- ⁷ Ibid
- ⁸ Raised in the discussion at the ABColombia Roundtable in London in 2017; Preventing Conflict, Transforming Justice, Securing Peace, UN Global Study on the implementation of Security Council resolution 1325
- ⁹ FPA p. 6
- ¹⁰ FPA p. 205
- ¹¹ A successful peace process simply demands the active and meaningful participation of women at all levels, Interview with Jean Arnault UN Women, 29 October 2018
- ¹² CINEP/CERAC, Primer Informe de la implementación del Enfoque de Género en los Acuerdos de Paz en Colombia para los verificadores internacionales
- ¹³ Community Pact: This is the name of the documents produced from each of the workshops.
- ¹⁴ LSE <http://www.lse.ac.uk/women-peace-security/assets/documents/2017/LSEWPS-UKNAP-2017.pdf>
- ¹⁵ 2018 Informe Especial del Instituto Kroc y el acompañamiento internacional, op.cit.
- ¹⁶ "cocaleros" is the generic masculine in Spanish. For practical purposes, we use the generic term here to include both men and women, but whenever possible, we have used the female version "cocaleras".
- ¹⁷ <https://colombia2020.elespectador.com/territorio/las-deudas-que-tenemos-con-las-mujeres-cocaleros>
- ¹⁸ Ibid
- ¹⁹ Gobierno no ha cumplido con seguridad para sustitución de cultivos: Indepaz, 1 Feb 2018
- ²⁰ See e.g. Increasing concerns about aggravation of humanitarian crisis in Chocó <https://bit.ly/2NJ4s4h>
- ²¹ July Farjardo ABColombia Conference in London in November 2017
- ²² UN OHCHR, Annual Report to the Human Rights Council, March 2018
- ²³ Defensoría del Pueblo. Alerta Temprana N. 026 – 2018; Corporación Humanas. Boletín Paz con Mujeres. Septiembre 2018. Edición especial sobre lideresas – defensoras de Derechos Humanos en Colombia.
- ²⁴ July Farjardo ABColombia Conference in London in November 2017
- ²⁵ CIASE/DCAF Study. 'Transcending the long path: Recommendations for the Security of rural women in Colombia' (2018).
- ²⁶ ODI, Women's participation in peace and security Normative ends, political means, Pilar Domingo
- ²⁷ Report of the secretary-general on Conflict related Sexual Violence 15 April 2017
- ²⁸ The need to make exceptions to the principle of public hearings in order to protect victims and witnesses of sexual violence is recognised in international criminal law, see for example, Art. 68(2) Rome Statute.
- ²⁹
- ³⁰ Interview with Sisma Mujer in August 2018
- ³¹ ODI, Dealing with legacies of violence: transitional justice and governance transitions, Pilar Domingo, May 2012
- ³² ABColombia round table event Chatham House Rules.
- ³³ Transitional Justice and Women, Peace and Security: A critical reading of the EU Framework, Maria Martin de Almagro, May 2017
- ³⁴ LSE, UK National Action Plan on Women, Peace and Security: Consultation Response
- ³⁵ LSE, UK National Action Plan on Women, Peace and Security: Consultation Response
- ³⁶ Girlandrey Sandoval Acosta, 'Análisis del estado del cumplimiento del Acuerdo Final de Paz desde la perspectiva de mujeres excombatientes de las FARC - EP en proceso de reincorporación' in FOKUS et al, Claves sobre la implementación del Acuerdo de Paz entre el Gobierno y las FARC-EP en lo que respecta a las mujeres: mensajes para la comunidad internacional (27 September 2017) p. 84.
- ³⁷ CERAC, CINEP (2018) Primer Informe de la implementación del Enfoque de Género en los Acuerdos de Paz en Colombia para los verificadores internacionales p. 35-36
- ³⁸ UN Verification Mission report, 28 July 2018 para. 55.
- ³⁹ UN Verification Mission report, 28 September 2018
- ⁴⁰ Ibid
- ⁴¹ Kroc Report 2, State of Implementation of the Colombia Peace Agreement, 1 December 2016 to 31 May 2018p. 16.
- ⁴² Ibid p.16
- ⁴³ Baroness Hodgson, ABColombia Conference in London in November 2017.
- ⁴⁴ Laura Mitchell, Senior Adviser at the Norwegian Centre for Conflict Resolution NOREF, at the ABColombia Conference in London in August 2017
- ⁴⁵ Also, a recommendation made by the Kroc Institute

Recommendations

Recommendations for the Colombian Government

- Women's political participation and leadership is key to achieving gender equality in peace and security; therefore, affirmative action in favour of women should be employed to ensure their equal participation in all mechanisms for the implementation of the FPA, including a high-level decision-making mechanism;
- Hold an additional round of PDET workshops at the local level, whereby women's CSOs and women's representatives of Indigenous and Afro-Colombian authorities, in the localities where the PDETs were designed, can add a gender focus to the plans;
- Promote effective coordination between the PDET, PNIS, PATR, the National Development Plan and the Territorial Development Plans, and in consultation with women CSOs, ensure the incorporation of specific projects to address the needs of women (peasant farmers, LGBTI, Indigenous and Afro-Colombian) are included and co-ordinated across all of these plans;
- In consultation with women's CSOs representing cocalera women, ensure that an integrated approach to the multiple forms of discrimination that impact cocalera women is included in the National Comprehensive Programme for the Substitution of Illicit Crops and the Immediate Response Plan;
- Ensure that women's cocalera organisations are represented in decision-making spaces regarding plans for illicit crop substitution;
- Ensure prioritisation of women peasant farmers in the Land Fund by creating a specific category with a specific budget allocation and register the scores assigned to women both in the Formulario de Inscripción de Sujetos de Ordenamiento and in the Registro de Sujetos de Ordenamiento. In parallel, maintain the land registry systems up to date, recording women as owners of the land title;⁴⁵
- Create gender-sensitive measures to guarantee Indigenous women's equal participation at all levels in Prior Consultation and Consent Processes;
- Ensure that the plans to 'Regulate the Fundamental Right to Prior Consultation', safeguard Indigenous rights and in no way restrict and/or minimise the communities' rights to autonomy and self-determination in development, in accordance with ILO Convention No. 169;
- Establish mechanisms that allow the generation of information, disaggregated by ethnicity, gender, age and sexual orientation, in order to understand the real situation of property and access to land for rural women, including Indigenous and Afro-Colombian women within the collective property regime;
- Within the collective property regime, ensure that Indigenous authorities include Indigenous women heads of household and single Indigenous women when granting parcels of land to support families.
- In the Procedures of the SIVJRN ensure that:
 - survivors of CSV are not confronted with their aggressors by using procedures previously employed in war tribunals;
 - a gender and women's human rights-based approach is used in the prioritisation and selection of cases to avoid creating obstacles for, or inadvertently excluding, CSV from entering the JEP;
 - in the thematic area of gender violence in the Truth Commission (CEV) ensure that there is a specific topic dedicated to CSV, as it is unlikely that the real magnitude of CSV and its impact on women will be revealed without this focus;
 - Facilitate access to justice and gender-specific psychosocial support for women survivors of CSV;
 - Ensure that there are resources to pay CSOs for their representation and documentation of cases of CSV;
 - Develop mechanisms of communication, education and dissemination of information that allow women to understand how to access the different mechanisms and enable effective participation of women and the LGBTI population in the SIVJRN;
- Guarantee that adequate resources are dedicated to ensuring the effective delivery of the Comprehensive Programme for Women Leaders and HRDs;

- Support rural women's networks in the development of a protection programme that addresses specifically the risks they face as land and environmental defenders, generated by the presence of megaprojects in their territory;
- Promote and dedicate resources to the implementation of measures to ensure the rapid dismantling of criminal networks and successors of paramilitarism;
- Promote and dedicate resources investigation and prosecution of the material and intellectual authors of the crimes against HRDs; and ensure full investigation into the threats against WHRDs that were circulating in Bogota in August 2018;
- Ensure that women's CSOs are represented on the High-Level Security Commission for the dismantling of successors of paramilitarism and protection for communities, and HRDs amongst others;
- Move the Police Force out of the Ministry of Defence and provide training to promote a 'civilian police service' culture. Promote a policy of more women in the Police Service and specialised women police units, and/or police focal points, to encourage women to report crime and so increase access to justice;
- Ensure that women's CSOs are included in the delivery of training to the police on gender issues;
- Facilitate access to justice and gender-specific psychosocial support for female ex-combatants;
- Budgets for reintegration programmes must include a gender focus. These budgets should also designate funding to adequate prenatal care and child care services for female ex-combatants.
- Commit to providing long-term, core funding to women's rights organisations in addition to project-based funding streams; long-term funding can impact effectively by creating sustainability for CSOs in delivering the WPS agenda at this stage of the peace process; and make funding streams more accessible to community-based organisations in the remoter rural areas;
- Ensure continued support both financially and politically for the implementation of the FPA, especially those agreements that directly impact on inclusion and women's equality;
- Encourage and support Colombia to build their tax base and pursue sustainable economic development strategies that serve all social groups within communities;
- Encourage and support Colombia in its budgeting for reintegration to prioritise long-term planning and incorporate a specific gender focus. Budgets should designate funding to adequate prenatal care for female ex-combatants and child care services;
- Support financially and politically the SIVJRN, this is likely to be a costly mechanism, that if it is to function adequately, will require international support;
- Promote and support Colombia to develop gender-responsive budgets and investment strategies;
- Encourage and support Colombia to hold another round of inscription for the PNIS programme so that those families left out of the first round can inscribe;
- Support programmes that address economic and social inequalities for women and girls, as these inequalities make them more vulnerable to violence.

Recommendations to the governments of the UK, Ireland, Sweden, Norway and the EU

- Ensure that any programmes funded by the international Community have incorporated a gender focus along with specific monitoring criteria for its implementation; programmes should also contain affirmative measures to promote women and ethnic minority inclusion in decision-making;

1.0 The Gender Sub-Commission

Peace means going beyond the absence of armed conflict. It means promoting and implementing a reconstruction model that overturns injustice and inequality, thereby promoting social transformation and inclusion. Peace, for Colombian women, meant addressing gender and sexual violence, as well as social, economic, cultural and political inequalities.

From the start of the Peace Talks Colombian women struggled to ensure their participation at the negotiating table. Official Talks started in August 2012, but it was not until April 2013 when the first woman was appointed to a frontline negotiating team - Victoria Sandino for the FARC. The government followed in November 2013 with the appointment of Maria-Paulina Riveros and Nigeria Rentería.² This achievement, along with the creation of a Gender Sub-Commission (GSC), was due to the tireless and sustained advocacy and campaigning work of Colombian Women's civil society organisations (CSOs), supported by the International Community. The international normative framework of UN Security Council Resolution 1325 (UNSCR 1325), along with the signing by 122 countries, including Colombia, of the UK-promoted Global Declaration on Eliminating Conflict Sexual Violence generated international expectations, and provided a conducive environment for the inclusion of women and support for no amnesties for conflict sexual violence in transitional justice.³

The idea of the GSC was inspired by UN Security Council Resolutions on Women, Peace and Security (WPS), which emphasise the importance of women's participation in peace processes; that tensions are exacerbated by exclusion; the clarity that an analysis from a gender perspective can offer in substantive matters of an agreement; and that special measures are needed to protect women and girls in situations of conflict violence in terms of sexual violence and other affectations derived from the condition and situation of women in the conflict.⁴

"The sub-commission was given the mandate of reviewing and making sure that the agreements reached as part of the negotiation would incorporate a gender focus that recognised the important role of women in the construction of a democratic and inclusive society, and the basis for the consolidation of a stable and lasting peace."

Germán Espejo, Colombian Embassy UK⁵

The Cuban and Norwegian Governments each provided a gender expert to the GSC, women's CSOs from their specific areas of expertise provided advice and support to Maria-Paulina Riveros and Victoria Sandino and their five-person teams. This support came from the *Cumbre Nacional de Mujeres y Paz* (made up of 9 network organisations: *Ruta Pacífica de las Mujeres*, *Red Nacional de Mujeres*, *Alianza Iniciativa de Mujeres por la Paz*, *Casa de la Mujer*, *Mujeres por la Paz*, *Colectivo de Pensamiento y Acción Mujeres*, *Paz y Seguridad*, *Coalición 1325*, *Conferencia Nacional de Organizaciones Afrocolombianas* and the *Asociación Nacional de Mujeres Campesinas, Negras e Indígenas de Colombia*), *Alianza Cinco Claves* as well as other networks and organisations of women

victims, including LGBTI, rural women and women from ethnic minorities. Indigenous and Afro-descendant women contributed to both the GSC and the ethnic perspectives chapter of the Final Peace Accord (FPA). The Sub-Commission also received additional advice and support from some governments and UN Women, who recognised the importance of an intersectional approach to gender and ethnic inclusion.

"When women participate in political life, policymaking is more inclusive."

UK Government NAP 2018

The inclusion of gender equality, non-discrimination and the rights of the LGBTI population in the FPA was a historic event. For the first time, a peace agreement addressed gender in a comprehensive and intersectional manner, recognising the differential experiences of LGBTI people, women and ethnic communities in the context of the conflict.⁶ Despite the gendered agreements being a unique achievement globally, they were made one of the most controversial aspects of the Peace Accord in the 2016 plebiscite.

Lessons can be learnt from reflecting on this process: whilst peace talks are central, there are other contextual factors to consider during the negotiating process. Whilst some CSOs and victims participated in Havana, and a much wider number in the preparation of proposals, there was a lack of transparency regarding the full agreements that the parties were reaching at each stage of the Talks. The slogan that 'nothing is agreed till all is agreed', whilst an understandable stance, created a secrecy around the detail of the agreements being made. This was a major disadvantage when it came to the plebiscite. Despite the tireless work of CSOs in the dissemination of the information at the local as well as the national level, it was impossible in the time available to ensure that people were familiar with its content. Lack of transparency increased insecurity, making it easier for the 'no' campaigners to succeed. One of the key aspects of the 'no' campaign was centred around - the so called - 'Gender Ideology' in the FPA.⁷ This played to patriarchal attitudes and contributed to the rejection of the Accord by 50.2%. The loss of the plebiscite weakened the democratic weight of the Accord and opened the agreements up to renegotiation and changes before signing the "Final Peace Accord" in November 2016. The impact of losing the plebiscite meant that instead of passing quickly through Congress aided by the 'fast-track' procedure, the opposition to the FPA, led by the *Centro Democrático*, were able to debate and win further changes. This has profoundly shaken the confidence of the FARC. The Presidential election campaign of 2018 left many extremely concerned - especially the FARC - that the new Government would not proceed with the implementation of the FPA. However, since taking office, President Iván Duque Márquez has announced that the FPA will be implemented by his government.⁸

“The objective of the Gender Sub-Commission was not to consider women from a revictimizing perspective, but as subjects of rights and protagonists in the construction of peace.”¹

1.1 Mechanisms for monitoring on the implementation of the gender focus

The FPA detailed various implementing mechanisms to collectively analyse, advise and monitor the implementation of the gender perspective, including:

- The Special Committee to Contribute to the Incorporation of the Gender Approach (SCIGA), formed on 28 July 2017, in accordance with the normative framework of the FPA; it is a sub-commission of the Monitoring Commission for the promotion and verification of the implementation of the Final Agreement (CSIVI). The eight-member SCIGA (and eight substitutes) has the responsibility of guaranteeing a gender perspective in the Four-Year Implementation Plans and in the multi-annual Integrated Investment Plans that make up the National and Territorial Development Plans.

“Historically, it’s always been very hard for women to participate post-conflict, and if political will is lacking, they will be excluded from crucial policy and decision-making. One only has to remember Egypt, the women in Tahrir Square at the time of the Arab Spring: as soon as things began to settle, the women were pushed out. Women need support and help to ensure that they continue to participate... [for this] political will is necessary.” Baroness Hodgson⁹

- The International Technical Gender Roundtable created on 6 March 2018. This is for the monitoring of the implementation of the Gender Focus and comprises of the International Accompaniment component, the Special Gender Committee (*Instancia Especial de Género*), Technical Secretary of the International Verification Component (STCVI), and Colombian Women’s CSOs which produce gender monitoring reports for this body.
- The Framework Plan for Implementation (“Plan Marco”) is the document that sets out the policy recommendations and the measures needed for the implementation of all the agreements. The FPA requires it, as a priority, to promote public policies, programmes and reforms that respond to the needs and particularities of women and ethnic groups.
- The National Development Plan must include a chapter on the Four-Year Plan for the Implementation of the Agreements.

There are some weaknesses that are emerging, one of which is that the SCIGA is inadequately resourced - technically and financially - to undertake its responsibilities. This potentially could have serious implications for ensuring adequate consultation; for example, some women’s CSOs report that they consider the SCIGA has failed to develop adequate consultation channels with them, and that there is a lack of adequate and meaningful coordination and dialogue with the Ethnic Commission for Peace.¹⁰



Baroness Anelay at ABColombia Conference 2017

2.0 Women and Development

“The gender component... sits very well with what the EU wants to do in supporting this agreement, because gender equality is very much at the heart of the EU’s principles.”

The FPA commits to a ‘genuine structural transformation of the countryside [and]... measures to promote appropriate use of the land ... to stimulate the titling, restitution and equitable distribution thereof, by guaranteeing progressive access to rural property... in particular, to rural women and to the most vulnerable communities... by legalising and democratising property and promoting broader ownership of land...’¹¹

The majority of those forcibly displaced from the rural regions were Afro-Colombian, Indigenous and peasant farmer communities and women; the Colombian Constitutional Court found that there was a strong link between forced displacement and CSV, both in causing the forced displacement and in relation to women’s and girls’ vulnerability to it once displaced.¹² Up until 2016, the conflict had generated 7.7 million internally displaced people (IDPs) from over 8 million hectares of land.¹³ Rural women - Indigenous, Afro-descendant and peasant farmers - have been disproportionately impacted by forced displacement. This phenomenon continues today: even after the signing of the FPA, 94% of those who were forcibly displaced in the first few months of 2017 came from Indigenous and Afro-Colombian communities.¹⁴

The FPA chapters on a Comprehensive Rural Reform (RRI), Solution to the Illicit Drugs Problem, the Ethnic Perspectives and the Agreements regarding the Victims of the Conflict contain most of the agreements which propose rural reform and development; and there is an interdependence between these agreements.

2.1 Comprehensive Rural Reform

The first Chapter in the FPA, the RRI, was designed to address the underlying structural causes of the armed conflict, including social and economic injustices and unequal access to land. As a result of gender inequality, rural women experience economic and political inequalities more harshly, especially, peasant farmers, Indigenous and Afro-Colombian women, and women survivors of gender-based violence.¹⁵ The prioritisation of rural women is therefore fundamental to addressing structural poverty in the countryside.

A key aspect in addressing rural poverty is ensuring access to land for the poorest. The FPA created a Land Fund, whose ‘beneficiaries... [include] female farm workers without land or with insufficient land, with priority being given to ... rural women, female heads

of households and displaced persons.’¹⁶ In addition, women are prioritised for sustainable productive projects, technical services and credit. Legal problems related to rural property will also be addressed, through an administrative and judicial procedure to formalise land titles. These measures will help women’s socio-economic development, which is essential for the consolidation of peace, as studies show that if women are supported in their initiatives, this has a positive impact on the whole community.¹⁷

2.2 Development Plans with Territorial Approach (PDETs)

One of the flag-ship programmes of the RRI Chapter are the PDETs.¹⁸ These are development plans designed to rapidly address structural poverty and integrated rural development, and will cover ‘10,000 villages, 425 Indigenous reservations, 3,015 community councils from Afro-Colombian communities, and 6 farming land-reserve zones’, amounting to 250,000 people.¹⁹ PDETs will be delivered by 16 rural development plans to 170 municipalities in areas most impacted by the conflict, with the highest indices of extreme poverty and inequality, the presence of illicit crops, and the poorest performance of local state institutions. They aim to eradicate extreme poverty, reduce poverty by 50% and address structural inequality. The PDETs will cover development at the local and regional levels, addressing land use, economic regeneration, environmental issues, infrastructure, basic services and rural housing, as well as the right to food. The state is responsible for providing the resources necessary for the implementation of these PDETs,²⁰ which have a life-span of up to 15-years with a maximum effort of compliance in the first five years.

PDETs are an effort to deliver on one of the FPA’s central objectives of re-invigorating the peasant farmer (*campesino*) economy and increased citizen participation. They create spaces for ‘citizen participation in the discussion of development plans, public policies ... [and have] a direct impact on the decision-making of the relevant public authorities.’²¹ PDETs will form part of the Action Plans for Regional Transformation (PATR).

PATR are constructed using a three-phase process:

- sub-municipal/village-level, which develop community pacts (PDETs);
- municipal level, which analyses the community pacts and develops the municipal pacts;
- Sub-regional level which takes the municipal pacts and develops the PATR.

The participatory methodology for Ethnic Peoples established in Decree 893 of 2017 means that these plans are then consulted with the Special Consultation Mechanism.

The newly created Land Renewal Agency (*Agencia de Renovación del Territorio* - ART) has the responsibility of holding participative workshops in villages with the aim of actively engaging

“PDETs offer a real possibility for transforming the countryside to benefit the poorest.”

communities, together with mayors, governors, businesspeople, universities and churches in the design of the PDETs. One objective of bringing together this variety of local actors is to facilitate a transformation in relationships at the local level and promote the building of trust between local institutions and rural communities.²² Sustainable peace and prosperity will depend on state institutions establishing their legitimacy;²³ an important aspect of this will be demonstrating that government institutions have mechanisms for accountability and transparency. Additionally, legitimacy will depend on fulfilling the FPA's commitment to the gender-based approach, by ensuring the effective participation of women in decision-making spaces; to achieve this, affirmative action will have to be taken in favour of women's participation, and the protection of pluralism without discrimination.²⁴ In the long term, it will be important to ensure that differential approaches to gender and ethnic specificities are integrated into the programmes designed to boost governance capabilities in the regions.

2.3 PDET Consultative Workshops

The participation of communities in the development plans for the transformation of their territories has generated expectations amongst women who have experienced the worst impacts of the conflict. The PDETs consultative process organised by the ART involved 41% of women in the preparatory meetings and 40% in the workshops.²⁵ Despite this, women report that their ideas and proposals were not adopted in the PDETs.²⁶ This is supported by an evaluative study of the process carried out by CINEP and CERAC, which found that only one plan had emerged from these workshops which had specifically addressed the rural development needs of women, that of San José del Guaviare.²⁷ The San José del Guaviare plan included: strengthening of women's association spaces, the prevention of gender violence, food security, and specific attention to be provided to women through subsidies, with a focus on economic and productive empowerment.²⁸ One of the reasons put forward by CINEP/CERAC for the lack of a gender-based approach in the other plans was that the workshop discussions were too generalised, which did not allow for the incorporation of concrete proposals addressing exclusion specific to ethnicity and gender.²⁹ Additionally, women's organisations including Indigenous and Afro-descendant women have expressed concerns that they are being marginalised, leading to discrimination in the decision-making process; some women's CSOs complained that they were not present in these spaces,³⁰ which impacted on the gender content of the PDETs.

In the Ethnic Chapter there are specific agreements to incorporate the Indigenous Life Plans and Ethnic Development Plans into the PDETs;³¹ however, this does not appear to be happening. The inclusion of these would help address the ethnic focus, which communities consider is missing in the design of the PDETs. It would also address international concerns expressed by CESCR's concluding remarks on Colombia in 2017, which stated that Colombia had made very limited progress in applying the Constitutional Court's orders to ensure the protection of Indigenous communities at risk of physical and cultural extinction, and of Afro-Colombian populations identified as extremely vulnerable.³²

The PDET process is being supported by the EU Trust Fund for Colombia, which is financed by a range of EU Member States,³³ including the UK, Ireland and Sweden. This support is crucial in helping to address some of the root causes and consequences of the conflict.³⁴ In this context, political support for communities and local government institutions will be crucial given that there is strong resistance to PDETs (and land restitution policies) from large landowners, many of whom have illegally accumulated land during the conflict, and who continue to back local neo-paramilitary groups.³⁵ Whilst there are complex challenges in implementation, if these are addressed, the PDETs offer a real opportunity to impact positively in terms of addressing extreme poverty, discrimination, inequality and exclusion.

Disappointingly, as of 7 August 2018, despite over a year of institutional work in the structuring of the plans, none had yet been adopted.



“In 2017, 62% of the human rights defenders killed were rural leaders.”

2.4 Access to land and land-rights

One of the vulnerabilities for rural populations is that the vast majority of the poorest do not have their land rights registered. Discrimination in relation to land rights has further disadvantaged women. Therefore, in the gender-based approach, equal land rights for rural women were recognised in the FPA. As part of the agreements, there will be a massive land registration programme to formally legalise land titles held by poor farmers covering seven million hectares of land.

Despite inequality and land concentration being root causes of the conflict, the last 20 years have seen land concentration accelerate, leaving 81% of productive agricultural land in the hands of 1% of the population, and the other 99% of the population sharing less than 20% of agriculturally productive land.³⁶ The Land Fund, set up as a result of the FPA, is to improve access, with three million hectares for redistribution. This redistribution, according to the FPA, must prioritise rural women, women single parents, and the displaced population.³⁷ To implement this, a register (*Registro de Sujetos de Ordenamiento* – RESO) has been established for those entitled to benefit from the Land Fund. Those registered receive points that ultimately determine their prioritisation for this land. The National Land Agency (*Agencia Nacional de Tierras* – ANT) states that points are allocated for being a peasant woman, with additional points for women heads of households and widows.³⁸

Establishing the real situation of property and access to land for rural women, including Indigenous women within the collective property regime, will be essential if all women are to be prioritised in terms of access to land. Whilst Indigenous communities in Colombia own land collectively, in each *Resguardo* the Indigenous authorities grant a parcel of land to each family according to established criteria. Often land is not granted to Indigenous women heads of household and even less likely to single Indigenous women. This is because, in many cases, it is only men who are recognised as being heads of households. Therefore, it is essential to ensure that the real situation is understood within each *Resguardo* so that Indigenous women can also be prioritised in terms of access to land.

The FARC demobilisation left a power vacuum in areas they had previously controlled, the state failed to move quickly to occupy these and as a result, the conflict exacerbated as neo-paramilitary groups³⁹ and the ELN fought for control of the illicit economies. This has meant that in many areas, like Chocó, the humanitarian situation has deteriorated.⁴⁰ For rural women and particularly women leaders seeking to defend the rights of communities, there is a lack of security, sexual and gender-based violence has increased.⁴¹ In 2017, 62% of the HRDs killed were rural leaders.⁴² Those engaged in the implementation of the FPA, especially in the themes of RRI and crop substitution, have been most at risk.⁴³ The situation of security for communities and their leaders in these regions is gravely serious. It is essential that the Duque government addresses this, if peace is to have any chance of being sustainable. A participative approach to development as proposed



in the FPA can only be achieved if there is security for communities and their leaders.

2.5 Potential Public Policy Conflicts

Whilst the FPA seeks to address the issues of extreme land concentration, public policies appear to be pulling in the opposite direction. Policies that further land concentration were introduced under the Santos Government and continue to be supported by the current Duque administration. These public policies include: Areas of Interest for Rural, Economic and Social Development (ZIDRES) created by Law 1776 of 2016, to promote competitive economic development in rural farming areas; over seven million hectares of land so far have been identified as suitable to lease to agroindustry under ZIDRES. If smaller farmers are already farming in these areas, they will have to become associates of the agroindustry projects or obliged to sell their land (with few exemptions). A similar situation exists with Projects of National and Strategic Interest (PINES); these are industrial projects, including infrastructure, mining and energy. Those contesting PINES point out that these projects violate victims' fundamental right to reparation and disproportionately restrict their right to land restitution. Law 1753 had established that physical restitution of lands could not take place in PINES areas; instead, victims of forced displacement would only receive financial compensation.

Key to sustainable peace is that the root causes of the conflict are addressed, fundamental elements for doing this are in the RRI

chapter. According to the Kroc Institute, RRI is one of two chapters with the lowest percentage of the agreements implemented to date.⁴⁴ Possible competition between the FPA and public policies suggests the need for more coherence across public policy. It is important for countries that have been involved in an internal conflict to pursue sustainable economic development strategies that serve all social groups. 'Women's participation not only in peace processes but in decision-making about the economy and access to resources in post-conflict contexts is important to ensuring gender-responsive budgets and investment strategies.'⁴⁵

2.6 Substitution of Illicit Crops

Some of the areas that have experienced the worst of the conflict since the signing of the FPA have been communities where there are illicit crop economies, as illegal armed actors, such as the neo-paramilitaries and the ELN guerrilla, fight for control; impacting brutally on communities. Illicit crop cultivation continues, and coca production rose from 772 tonnes in 2016 to 921 tonnes in 2017.⁴⁶ Forced manual eradication of large farms and voluntary crop substitution for small and medium farmers is what was had been agreed in the FPA.

Historical patterns of rural poverty, exclusion and state abandonment meant that during the last twenty years, up to 62% of rural homes were living in poverty.⁴⁷ As a matter of necessity, women and men had to find ways to survive and to provide for their families. The lack of basic local infrastructure meant that there were few viable economic alternatives to illegal crop cultivation. These extreme conditions pushed families into the cultivation of coca and created a new peasant farmer population known as *cocaleros*.

On 29 May 2017, the government created the Programme for the Substitution of Illicit Use of Crops – PNIS.⁴⁸ This is a voluntary crop substitution programme, which provides a two-year agreement with signatories receiving about US \$12,000 for their immediate needs and technical support for sustainable productive projects and short-term initiatives; provided they destroy their illegal crops between the first and second stipend payments.⁴⁹

Crop substitution, as the FPA envisages, must be done in conjunction with the reforms in the chapter on RRI, which supports such those engaged in PNIS with things like technical assistance, stimuli for solidarity-based and cooperative economies, marketing and sales and public procurement programmes.⁵⁰ The ANT, by December 2017, had registered 8,000 families for the special access to land programme for families who enter the crop substitution programme, and given land property titles to 1,065 families. 44% of the beneficiaries were women.⁵¹ However, the Kroc Institute points out that due to a lack of clarity in the data how women benefited - whether it was in their own right or as part of a couple - is not clear.

One of the problems faced, however, is that discrepancy between the short timeline for coca reduction – the FPA stipulates that the farmers must complete substitution within two years – and the longer 15-year timeline for implementation of the PDET.

2.7 Cocalera Women

Whilst the FPA has a clear gender focus, Decree 896 of 2017, which created the PNIS, does not address the conditions faced by *cocalera* women.⁵² Coca cultivation for many women provided a lifeline for survival during the conflict. Coca cultivation enabled *cocalera* women to work, educate their children, provide for health care, food and 'in many cases, economic autonomy to free themselves from abusive spouses.'⁵³ Therefore, even though the coca economy brings high risks, violence and stigmatisation, it was a viable option for those who carry the cost of exclusion and social inequality in their bodies and lives.⁵⁴ However, despite providing a lifeline, it has at the same time reinforced structural impoverishment and locked women into an illegal economic system. They also faced a variety of forms of discrimination, including that as strong and vocal women, they were 'perceived as transgressors of the traditional gender order for cultivating coca, and as such became the target of armed violence.'⁵⁵

If there is to be a viable alternative for *cocaleras*, it is imperative that PNIS addresses the realities for rural women through an integrated approach to the multiple forms of discrimination that impact on their lives. This includes addressing mechanisms of participation to ensure that women *cocalera* organisations are represented in decision-making spaces regarding plans for illicit crop substitution.

The FPA offers the opportunity to address coca cultivation differently from the usual criminalisation approach, instead taking a public health approach. However, due to international pressure particularly from the USA, forced eradication re-started under the Santos Government in February 2018. Out of the first 35 forced coca-crop eradication actions, 21 were in communities already signed up for voluntarily substitution.⁵⁶ Pursuing a policy of forced eradication in areas where peasant farmers have signed up to voluntary eradication will only generate distrust in the state. It is also not likely to have a sustainable result as UNODC reports that on average, 30% of the areas forcibly eradicated are once again producing coca within three months and over 50% one year later. The change in government policy has generated uncertainty for the 124,745 families in 14 departments registered for voluntary eradication. Quick results are impossible when addressing historical and structural poverty and long-term state neglect of rural development. Time, consistency in government policy and a coordinated approach are essential in providing *cocaleras* with the possibility to move away from illicit crop cultivation sustainably.

"The gender component... sits very well with what the EU wants to do in supporting this agreement, because gender equality is very much at the heart of the EU's principles, it is a cornerstone of the EU's Common Foreign and Security Policy, ... [the] EU Gender Action Plan informs the way in which the EU delegation in Bogotá expresses its support of the Peace Agreement."

Eamon Gilmore, EU Special Envoy for the Colombian Peace Process, during ABColombia Conference in November 2017.

3.0 Women and the Ethnic Chapter

“Indigenous women want peace but not in any form or incompletely. For us, peace means guarantees that we can implement our Life Plans.”

Colombia is a country of regions, with at least 102 Indigenous nations and 271 Afro-descendant Community Councils. The Ethnic Commission for Peace and Defence of Territorial Rights together with international pressure finally achieved the inclusion of a chapter on Ethnic Perspectives in the FPA. This Chapter outlines safeguards and guarantees for collective territorial and political rights of ethnic communities. These rights are established in the Colombian Constitution of 1991 and international norms including the International Labour Organization Convention 169 (ILO 169), and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

‘Our dream is the demilitarisation of our territories, so they are peace territories, as they were years ago. There we can exercise our self-determination as Indigenous peoples, and as Indigenous women... It is our dream as peace builders, that all of us together can work towards a sustainable and lasting peace with no violence. The day there is no violence towards Indigenous women, that is the day we can ... begin to enjoy life. That is the dream of peace we have for all.’

Emilse Paz, Tejido Mujer ACIN

According to the Chapter on Ethnic Perspectives, Indigenous, Afro-Colombian, black, palenquero, raizal and Roma communities see the structural causes of the war, and therefore sustainable peace and peacebuilding, in terms of addressing social, economic and cultural injustices. The FPA recognises that they ‘have suffered historical conditions of injustice, resulting from colonialism, slavery and exclusion, and from having been dispossessed of their land, territories and resources.’⁵⁷ A safeguarding principle in this Chapter reaffirms the protection of pluralism, and states that ‘no action taken to implement the agreements can, be detrimental to the rights of ethnic peoples.’⁵⁸

‘Indigenous women want peace but not in any form or incompletely. For us, peace means guarantees that we can implement our Life Plans. This requires conditions and guarantees that our rights as a people and as human beings are fulfilled, with total respect for our territories. We require Indigenous territories to be autonomous, free of all kinds of violence and projects that mean death for us.’

Emilse Paz during ABColombia Conference in November 2017.

The FPA, the Colombian Constitution and national laws all place an obligation on the State to undertake a free, prior and informed consultation and consent process (FPIC) with ethnic communities on laws and regulations that may affect their territory. The FPA also provides ‘maximum guarantees ... for the full exercise of their human and collective rights in the framework of their own aspirations, interests and world views.’⁵⁹ Indigenous and Afro-Colombian women highlight that it is vital that appropriate measures are adopted to guarantee their equal participation in what is the key tool for safeguarding their cosmovision of development – FPIC – and other decision-making spaces. This reflects Recommendation 34 of CEDAW to Colombia in 2018, ‘to guarantee Indigenous and Afro-Colombian women their right to prior consultation ... with respect to, inter alia, the establishment of mega-projects; and to promote their increased political participation at the national level and within their communities.’⁶⁰

Despite the centrality of FPIC to Indigenous and Afro-Colombian rights, there is a draft law being proposed at the time of writing to ‘Regulate the Fundamental Right to Prior Consultation’, which has generated serious concerns that instead of safeguarding their rights, this legislation could minimise and restrict them.

3.1 Ethnic Minority Communities: Implementation Mechanisms

The FPA establishes a High-Level Special Committee for Ethnic Peoples (*Instancia Especial de Alto Nivel con Pueblos Étnicos*); only two out of the eight people sat on this committee are women. This mechanism allows for participation in all processes of implementation and verification of the agreements. It also provides a mechanism for prior consultation on all elements of the implementation of the FPA that impact on ethnic communities.

The process to select representatives for the High-Level Women’s Commission (SCIGA) of the CSIVI to oversee the implementation of the FPA resulted in the appointment of only one Indigenous woman, and not a single Afro-Colombia woman. Afro-descendant women’s organisations considered they had been discriminated against and that the perspective of Afro-descendant women who have been seriously affected by the armed conflict was excluded from the implementation plans. CSOs recognised this and due to their work, the SCIGA was increased to eight members (and eight substitutes) in order to include Afro-Colombian women.

The Ethnic Chapter contains agreements for PDETs to be implemented in Indigenous and Afro-Colombian territory to include special consultation mechanisms and incorporate the Life Plans and Ethno-development Plans into the PDETs. The ability to deliver on the RRI and the Ethnic Chapter will largely depend on how Colombia resolves issues related to land and resource rights of Afro-Colombian and Indigenous Peoples.

4.0 Women and Truth, Justice, Reparations and Non-repetition

“Security forces, paramilitaries and the guerrilla have sexually abused or exploited women, both civilians or their own combatants By sowing terror and exploiting and manipulating women for military gain, bodies have been turned into a battleground.”⁶¹

‘For peacebuilding and reconciliation to take root, justice must be done, and be seen to be done’, for survivors of one of the most traumatising crimes with complex, lasting impacts on society as a whole, that of CSV.⁶²

UN Resolution 1325 emphasises state responsibility to end impunity, prosecute those responsible for genocide, crimes against humanity and war crimes, including crimes relating to sexual and other gender-based violence against women and girls, and exclude these crimes from amnesty provisions.

Colombia has established a complex set of provisions for dealing with transitional justice challenges through mechanisms for truth, justice, reparation and non-repetition (SIVJRN). It is formed of a Special Jurisdiction for Peace (JEP), a Truth Commission (CEV) and the Special Unit for the Search for persons deemed as missing in the context of, and due to, the conflict.⁶³ The JEP started operations in March 2018 and will remain active for approximately 20 years;⁶⁴ the CEV opened its doors in November 2018 and will run for three years.⁶⁵ Whilst the JEP can run for up to a maximum of 20 years, cases are only being accepted during the first two years.

A Selection Committee was set up in April 2017 to select officials to fill the senior positions in the SIVJRN. In a positive move 53% of judges appointed to the JEP were women, of which just over 20% were from ethnic minorities, thus promoting gender equality and an ethnic perspective in the top echelons of the SIVJRN.

4.1 Role of CSOs in the framework of the SIVJRN

The achievement of no amnesties, pardons or other preferential treatment for rape or other types of sexual violence in the FPA was largely due to the work of *Cinco Claves*, an alliance of national women’s CSOs – Humanas, Sisma Mujer and the National Women’s Network. Their advocacy for measures in favour of women victims in the SIVJRN eventually led to the creation of a Special Investigation Team on Sexual Violence within the Investigation and Accusation Unit of the JEP.

Support for the prosecution of CSV from the international community also played a key role. This included the ongoing work

by the UN Special Representative on Conflict Sexual Violence, as well as UN Women’s and the UK promoted Declaration of Commitment to End Sexual Violence in Conflict, adopted by 122 Countries in 2014, including Colombia.⁶⁶ This declaration states, ‘we must shatter the culture of impunity for those who commit these crimes, by bringing those responsible to justice ... [w]e recall that rape and other forms of serious sexual violence in armed conflict are war crimes and constitute grave breaches of the Geneva Conventions and their first Protocol.’⁶⁷

4.2 Sexual violence

According to the Colombian Constitutional Court Auto 092 of 2008, the internal armed conflict exacerbated pre-existing sexual and gender-based violence, as well as structural patterns of discrimination and exclusion. [...] frequently, it is the behavioural patterns - cultural, social, and economic - that foster or deepen the victimisation caused by discrimination. That is why the CEV must promote a reflection within society itself, [through dialogue] because you don’t have to belong to an armed group in the conflict to inflict gender violence [...]⁶⁸



Claudia Mejia, Director of Sisma Mujer at the Global Summit to End Conflict Sexual Violence

Although combat killings have dropped dramatically since the start of the Peace Talks, sexual violence remains a constant dynamic, with a variation in the armed actors, but with an equally disproportionate impact on women. Ethnicity is also a factor, with Indigenous women being 2.5 times more likely to be victims of violence.⁶⁹ Rape can destroy who the person was, and where racist attitudes play a part in this, the person’s identity can also be affected: ‘sexual atrocities can reasonably produce revulsion to the identity that marked the person for the intimate violation, making the raped want to abandon who they are forever.’⁷⁰ In implementing SIVJRN, one of the objectives is to ensure non-repetition. The gender approach proposed in the FPA – if fully adopted, especially in the implementation of the SIVJRN mechanisms - has a significant potential for triggering change.

“We must shatter the culture of impunity by bringing those responsible to justice.”

So far, the official register of victims has recorded 19,593 cases of CSV against women and 1,960 against men.⁷¹ However, the majority of cases of sexual violence generally go unreported and official figures probably just scratch the surface of the real statistics.⁷² Since the signing of the Peace Accord in 2016, the Defensoría has issued numerous Early Warning alerts concerning the increased risk of conflict-related sexual violence.⁷³ In 2017, every 2.3 days there was a case of CSV. According to the Colombian Institute for Legal and Forensic Medicine, reports of sexual violence increased by 15% in the first seven months of 2018 compared with the same period in 2017.⁷⁴ Between 2008 and 2016, state agents were presumably responsible for 34.66% of cases of CSV, neo-paramilitary groups for 26.88% and guerrilla groups for 22.51%.⁷⁵

4.3 The gender focus and centrality of victims in transitional justice processes

It is essential in this process to maintain an awareness of the centrality of victims/survivors and to ensure that the whole process serves their needs.

4.3.1 The Truth Commission

‘Every society has the inalienable right to know the truth about past events, as well as the motives and circumstances in which aberrant crimes came to be committed... to prevent repetition of such acts in the future.’⁷⁶ The CEV’s mandate is to investigate ‘practices and deeds constituting serious human rights violations and infringements of international humanitarian law (IHL), in particular those reflecting patterns or [committed] on a mass scale, which took place in the course of the conflict, as well as the complexity of the territorial contexts and dynamics of where these happened.’⁷⁷ Truth telling is essential to allow victims to move forward.

The FPA, in setting the criteria for the operation of the CEV, states that the focus should be on guaranteeing the participation of the victims, ensuring the restoration of their dignity, contributing to the realisation of their rights to truth, justice, comprehensive reparations and guarantees of non-recurrence, and taking pluralism and equity into consideration.⁷⁸

A Gender Taskforce has been appointed in the CEV; this taskforce will, amongst other things, investigate gender-based crimes committed in the conflict, hold hearings and liaise with women and LGBTI organisations, with the objective of documenting how the conflict has impacted on women and the LGBTI population.⁷⁹ This is a positive step for women; however, some concerns have been expressed by CSOs that unless there is a specific thematic area within gender violence covering CSV, it is unlikely that the CEV will reveal the real magnitude of this crime and its impact on women.⁸⁰ This would be possible as one of the general principles for implementation in the FPA allows that for ‘true equality, it is necessary to advance affirmative measures that respond to the disproportionate impact that the armed conflict has had on women, in particular sexual violence.’⁸¹

4.3.2 Structure of the JEP

As stipulated in the FPA, the JEP is formed of five organs and an executive secretary.⁸² The Judicial Panel for Acknowledgement of Truth, Responsibility and Determination of Facts and Conduct (*Sala de Reconocimiento de Verdad, de Responsabilidad y de Determinación de los Hechos y Conductas* – SRVR) is a pre-trial chamber, which receives reports with evidence and is responsible for identifying the most serious cases. Due to the high number of war crimes and crimes against humanity that can be presented, the SRVR has a prioritisation process. This is a hurdle that CSV cases will encounter and the criteria for the prioritisation of cases will need to ensure the application of a gender focus.⁸³ The SRVR has adopted a guide for the presentation of reports by CSOs, which contains a special section for cases of gender-based violence, including sexual violence.

The central task of the Investigation and Accusation Unit (*Unidad de Investigación y Acusación*) is to investigate cases where there is no collective or individual acknowledgement of responsibility, which is particularly likely in CSV cases. It is also responsible for deciding on protection measures for victims and witnesses. The specialist investigation team for CSV in the Investigation and Accusation Unit has provisions in line with the Rome Statute on handling evidence for acts of sexual violence in the JEP; this unit will therefore be essential for the implementation of the gender approach.⁸⁴

The Judicial Panel for Amnesty and Pardon and the Judicial Panel for the Determination of Legal Situations will examine cases that passed the first stage of the SRVR. The Tribunal for Peace is the final body of the JEP. The Tribunal is responsible for deciding on sanctions, with a focus on victims’ rights and the consolidation of peace.

In terms of representation, whilst the FARC have been allocated resources for their representation and the Ministry of Defence is providing lawyers for the Security Forces, as of May 2018, no resources had been allocated to victims representation and CSOs had been asked to prepare cases and provide the representation for victims on a voluntary basis.⁸⁵ This clearly does not conform to a victim-centred approach.

4.4 Women and Access to Justice

The UN Security Council WPS Agenda highlights that ending impunity and enhancing accountability for crimes of gender-based and sexual violence are essential ingredients in contributing to the elimination of CSV. However, surveys undertaken by women’s CSOs,⁸⁶ analysis by the Ombudsman and pronouncements by the Colombian Constitutional Court⁸⁷ demonstrate that there is a massive underreporting of CSV.

The Ministry of Defence and the Attorney General’s Office both issued Directives of zero tolerance for sexual violence crimes by the Armed Forces.⁸⁸ Despite this, the level of investigation and prosecution of this crime has been negligible.⁸⁹ The lack of prior investigation may also mean that the Security Forces personnel prefer to take the risk of not confessing to these crimes, because they consider it unlikely that there is sufficient documented evidence to expose them.

One of the main challenges facing the SIVJRN is to ensure in the case of CSV that the gender and human rights-based approach foreseen in the FPA is applied, given the risk that it will remain only on paper. To achieve an effective implementation, it will be essential to ensure that the prioritisation and selection criteria do not, by default, incorporate measures that exclude cases of CSV because of a high burden of proof. CSV is characterised by silence and denial – by both the Security Forces and the guerrilla, as well as by victims and witnesses, often due to the social stigma, intimidation and/or fear of retaliation. This silence makes it difficult to demonstrate the persistent and widespread prevalence of these crimes, which constitutes an important selection and prioritisation criterion for cases to enter the JEP.

One of the obstacles for the survivors is that of identifying the perpetrators.

Alana witnessed the rape of four hundred and fifty women and was herself sexually assaulted by fifteen men. After being forcibly displaced, she was again raped and assaulted by a group of eight men. However, the State has not recognised her as a victim, as she is unable to identify her aggressors and is therefore unable to provide the evidence the State requires of her.⁹⁰



One of the ways to begin to address these obstacles could be by using circumstantial evidence and pattern analysis. Rwanda and Yugoslavia have successfully used circumstantial evidence involving the examination of pattern evidence and analysis from expert testimony to statistics and crime mapping for identification of war crimes. Pattern evidence and analysis could help identify cases of sexual abuse as conflict-related and lead to identification of chain-of-command responsibility. However, the legislative act on differential criminal treatment for agents of the state omits any reference to international human rights law and international criminal law in relation to command responsibility;⁹¹ this means that using pattern analysis in the process of prosecuting the Security Forces in the JEP will be difficult.⁹²

The Defensoría, considered that the criteria established for determining the responsibility of members of the security forces⁹³ – in relation to enforcement of domestic and international law in specific cases and how command responsibility should be determined – violated the State's obligation to respect, protect, and ensure human rights, particularly the human rights of victims, and ignored the principle of judicial independence.⁹⁴

UN Security Council Resolution 1960 also highlights the importance of improved information on patterns, trends and early-warning indicators of sexual violence, in terms of accountability measures aimed at ending impunity for the perpetrators.

4.5 Documentation and access of cases to the JEP

In the process of implementation of the agreements, it was normatively established that it would be feasible to adopt special, differential, symmetrical, equitable, balanced and simultaneous treatment measures for state agents in relation to conduct committed due to or in the context of the armed conflict, or if such conduct was either directly or indirectly related to the conflict. To demonstrate representativeness and the magnitude of the situation, reporting and documentation is decisive. However, the difficulty for those documenting and prosecuting cases and for the judges is that the implementing measures that have been adopted thus far do not include a list indicating what behaviour is considered to be 'related to the armed conflict' or what other measures of differential treatment would be applicable to state agents.

In relation to crimes of 'rape and other forms of sexual violence,' there is a lack of legal definition of what the phrase "other forms of sexual violence" covers. The Cinco Claves Alliance requested the Constitutional Court to define a list of crimes of sexual violence in accordance with the Rome Statute; however, this proposal was not accepted, so the range of admissible behaviours remains unknown. The lack of clear definitions may impede access to justice for women and threatens to undermine the predictability of the system. It is now incumbent upon the JEP to ensure that these criteria are listed for victims and for the CSOs accompanying them to have legal certainty in the pursuit of their case. At the same time, clear criteria and legal certainty also ensure due process for the accused.

“For Indigenous women sexual violence is a crime they have not yet been able to denounce. It is overwhelmingly buried in silence.”

4.6 Availability of Data in the Long Term

Locating displaced victims, securing evidence and testimony are among the daunting investigative obstacles to justice with respect to the many crimes that were committed decades ago. This is especially so in the case of CSV since, due to the nature of these crimes and the lack of security – often perpetrators continued to be present in the areas where the crime was committed – many of these crimes went unreported. In addition, in cases of disappearance and killings, the bodies of women were often not examined for CSV and/or only the gravest of the crimes was recorded, i.e. death, and not that they were tortured or sexually abused.⁹⁵

Ex-combatants are beneficiaries of forms of early termination of criminal proceedings against them if they have not had a “decisive participation” in crimes such as rape and other forms of sexual violence. They are also able to obtain conditioned and anticipated transitory freedom when the person responsible has already been deprived of liberty for five years, including for CSV. For access to these benefits, lists of people eligible are generated, but without any clear rules on how these lists are to be verified.⁹⁶ CSOs are concerned about this, stating that the listings should be verified through a regulated process based on core requirements for identifying beneficiaries such as the location of their actions, their rank in the armed group, their aliases if it is a member of an illegal group, and a person description. This would avoid repeating the mistakes of the ‘Justice and Peace Process’⁹⁷ where there is no detailed data which would allow sexual aggressors who were not tried to be identified. However, the Constitutional Court rejected this request submitted by Cinco Claves in its review of this norm.

Once accepted into the JEP the management of the judicial processes is crucial, as victims in the telling of their experience re-live the trauma and suffer anew. Creating ‘safe’ victim-centred structures is therefore essential in order to ensure the well-being of victims; without these the survivor is at risk of being re-victimised. As part of that protection it is important that women are not confronted with their aggressors.⁹⁸ In practice, victims could, for example, be permitted to give statements via videoconference and closed sessions could be used to protect the identities of victims and witnesses.⁹⁹ In the prosecution of CSV in the JEP victims will need appropriate psycho-social and legal accompaniment and support. The current lack of clarity regarding the procedures for victims’ participation in the SIJVRN means tension and anxiety is being created at the very first hurdle.

4.7 Safeguarding victims

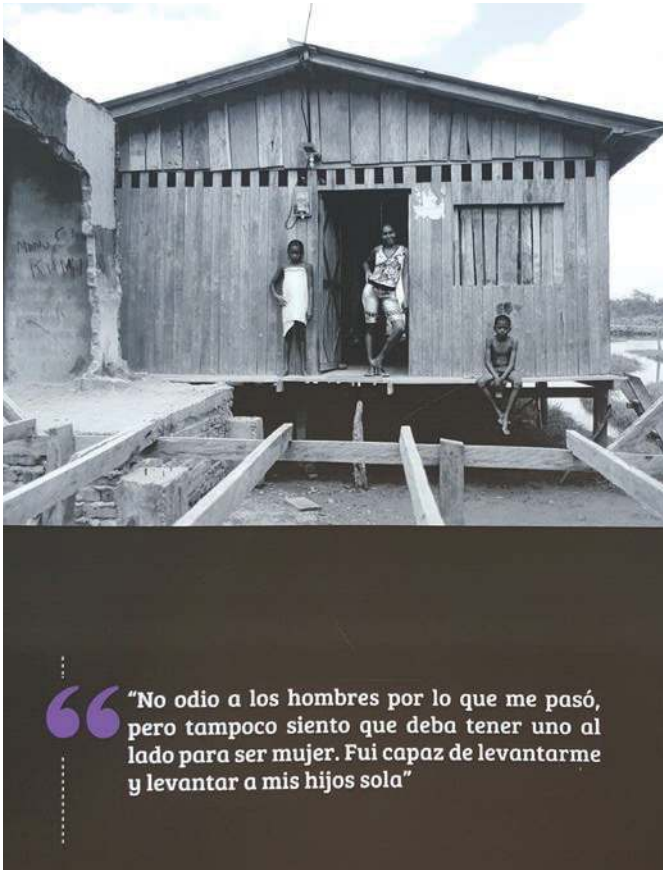
‘...the construction of memory must be done from a psycho-social perspective, where we can work with women’s stories... we focus on strategies and mechanisms women have developed to overcome the situations and circumstances, rather than focusing on the pain. We believe these abilities and adaptations we have are an essential

contribution to the process. The idea of “memory” must have lessons of empowerment.’¹⁰⁰

Helga Flamtermesky during ABColombia Conference in November 2017

Aurora and her son fled Córdoba with the help of the International Red Cross and Profamilia. Once there, she registered their forced displacement. However, she initially chose not to speak about the abuse, rape, torture, and slavery she had been subjected to by the paramilitaries, fearing possible reprisals against her and her family, and mistrust of the authorities and the judiciary. For years, she had witnessed how the Army collaborated with the paramilitaries, protecting them, helping them avoid police raids, killing those who tried to report their relationship with the armed groups, and accepting large payments for trafficking cocaine. She also knew of a paramilitary who had been detained but set free after paying three million pesos. When Aurora finally decided to speak out and make a report about her experience, somehow this got out and her fears materialised: she was constantly threatened and once again forcibly displaced, and three of her siblings were disappeared. To this day, despite their disappearances being reported by Aurora’s mother, the authorities have no answers about their whereabouts.¹⁰¹

There will also need to be additional safeguards put into place before many women in rural areas are able to even speak about what has happened to them. Indigenous women do not speak about what the armed conflict has done to them, but about what happened in their families and in their community. The women say they are not going to talk about what happened to them in the conflict because, “we do not feel safe, the perpetrators, they are here.”¹⁰² It was hoped that following the signing of the Peace Accord,



“No odio a los hombres por lo que me pasó, pero tampoco siento que deba tener uno al lado para ser mujer. Fui capaz de levantarme y levantar a mis hijos sola”

I don't hate men for what happened to me but neither do I feel that I must have one with me to be a woman. I was capable of raising myself up and raising my children alone.

Indigenous and Afro-Colombian women would be able to speak out, but according to Indigenous women, “we are going to hear even less, because the perpetrators are returning to their communities, they will be present.”¹⁰³ It is therefore unlikely that these cases will be documented and ready to submit to the JEP within two years. It is essential that the SIVJRN considers how it is going to guarantee that the patterns of impunity for gender-based violence do not persist.

Not only women but also the wider society need to see that the perpetrators, whether they are state actors or guerrilla, are brought to justice. If this does not happen, then the underlying patriarchal, machoistic and racist attitudes will continue to perpetuate sexual violence against women inside and outside of the conflict.

The disproportionate impacts of sexual violence on the life of the victims has a social impact that prevents them from participating and contributing under the same conditions that they would have, if this had not happened to them. Therefore, it is essential that Colombia in its transitional justice procedures engages with the international advances in protection for women, the main victims of this type of crime.

Access to justice for victims creates a strong deterrent contributing to the prevention of the recurrence of sexual violence and therefore to transforming the position of women in society, and to transforming societal attitudes towards women. CSV is a serious violation of human rights and an international crime. It is essential that both the illegal and state actors who have perpetrated these acts are all equally prosecuted.

4.8 Special Indigenous and Afro-Descendant Jurisdictions

Afro-descendant and Indigenous Peoples ‘... have suffered historical conditions of injustice, product of colonialism, enslavement, exclusion and ... dispossessed of their lands, territories and resources ... [they have been] seriously affected by the internal armed conflict, ... maximum guarantees must be provided for the full exercise of their rights ... within the framework of their own aspirations, interests and cosmovision.’¹⁰⁴

According to the Ethnic Chapter in the FPA, the SIVJRN will respect the jurisdictional functions of ethnic groups. This includes respecting their right to prior consultation on the design of judicial and extra-judicial mechanisms related to ethnic groups. As yet, there is very little information on this.

However, the following points were raised at the ABColombia Conference and Roundtable in November 2017:

- How will the process of coordination between the special Indigenous Jurisdiction, the JEP and CEV be achieved?
- Within the Special Programme of harmonisation for the reincorporation of demobilised members of Indigenous Peoples seeking to return to their communities, the re-education programmes must include a gender perspective and specifically address issues of gender-based violence.
- What mechanisms and resources will be provided to the Indigenous jurisdictions to ensure they are able to operate on an equal footing and in coordination with the SIVJRN?
- Regarding historical memory and truth, how will culturally appropriate processes be guaranteed to ensure respect for the autonomy and cosmovision of Indigenous Peoples?
- How will women who have not been able to speak about what happened to them, of what the war did to them, be heard, and how are they going to be protected once they find the courage to speak out?

“For Indigenous women the issue of sexual violence is one they have not yet been able to denounce, or even aspire to, in many cases. These experiences are overwhelmingly buried in silence.”

Emilse Paz, ACIN

“When a WHRD is killed, it is sending a message of social sanction and silencing to those women who have dared to participate, to demand and to struggle for their rights.”

4.9 Comprehensive reparations

The FPA provides for individual and collective reparations with a gender focus.¹⁰⁵ One of the main measures included was land restitution with a gender focus.¹⁰⁶ To date there has been little advance in defining the mechanisms for a gender approach. However, Sisma Mujer points out that the central aspects to be included are: recognition that sexual violence occurred as part of the strategy of war employed by the armed actors (State, guerrilla and paramilitaries); recognition that sexual violence was both a cause¹⁰⁷ and a consequence¹⁰⁸ of forced displacement; the adoption of mechanisms for individual judicial and administrative compensation of victims,¹⁰⁹ as well as the adoption of collective reparation plans for women victims of sexual violence with minimum participation guarantees, differential content and transformative focus.¹¹⁰ According to Sisma Mujer, at present no functioning procedure has been adopted to guarantee women these rights, and it continues to be one of the provisions of the FPA that has been most delayed in its implementation.

Finally, it is important to note that the continuum of CSV that women are currently experiencing will not be covered by the SIVJRN, as it can only deal with cases that happened prior to 2016. A solution to this is needed if Colombia wants to adopt a sustainable approach to peacebuilding and justice.

4.10 Health

The FPA has agreements on victims' health 'to broaden the public coverage and regional scope and improve the quality of psychosocial care to ensure the emotional recovery of victims in accordance with the specific harm or injury they have suffered, including the particular impact of sexual violence. To do this the number of local centres providing care for victims will be increased and mobile strategies to reach the most isolated places will be promoted. In fulfilling the agreements reached the National Government will also improve access to mental health services for victims who require them.' However, to date no plans have been developed for their delivery.¹¹¹

There is an urgency in terms of adopting health care measures, especially in the area of sexual and reproductive health, because women frequently suffer severe physical and psychological afflictions related to rape and other gender-based violence. Repeatedly, they do not receive adequate attention and in many cases, their symptoms are not recognised to be a consequence of CSV.

A recent focused study revealed that 77.5% of CSV survivors did not receive medical attention or any other care after the attack, and 20% of the women suffered particularly serious impacts on their sexual and reproductive health.¹¹² It is necessary that the SIVJRN adopt urgent measures to promote the guarantee of the right to health of women survivors of CSV.

“The UK is implementing three projects that seek to create awareness in men and women – Indigenous, Afro-Colombians, and ex-combatants – of sexual violence, how to deal with it and how to access justice. They aim to train 600 people ... at least 60 women to be spokespersons for their communities, to participate effectively in the implementation of the peace process, and strengthen protection mechanisms for women journalists who are particularly targeted, and train at least 70 journalists on how to report cases of sexual violence in the appropriate manner, and they are going to document at least 400 cases of sexual violence, and prepare some of them to be presented before the regular courts and the Special Jurisdiction for Peace.”

Fiona Hodgson during ABColombia's conference in November 2017.



5.0 Women and Protection

5.1 Human Rights Defenders

In 2017, one in every three defenders killed globally was Colombian. HRDs face a gravely serious situation of escalating threats, attacks and killings, as well as persistent impunity for these crimes. This is coupled with a refusal by the national government, both the previous one and the new government of President Iván Duque, to recognise the systematic nature of the killings of HRDs.¹¹³ The scale and extent of this crime can be seen in that between January 2016 and August 2018, the *Defensoría* registered 343 murders of human rights defenders and social leaders.¹¹⁴ The risk to the integrity and lives of defenders and their families has generated alarm amongst local, national and international CSOs, multilateral agencies and the Public Prosecutor's Office.¹¹⁵ In different reports presented by CSOs, the *Defensoría*, the UN Verification Mission in Colombia, and the Office of the UN High Commissioner for Human Rights, all agree that this is a serious and escalating situation.¹¹⁶ Megaprojects also generate risk for those defending land and environmental rights. Global Witness identified 32 (26%) of the 121 HRDs killed in Colombia in 2017 were environmental defenders.¹¹⁷ Frontline Defenders also identified Colombia as one of the most dangerous countries in the world to be an HRD.



There has been insufficient state action to address the differential aspects of protection needed in terms of territory, ethnicity and gender. Although recently, due to the work of CSOs in the Mesa Nacional de Garantías, a protection programme was initiated with a gender-based approach, namely the Comprehensive Programme for Women Leaders and Human Rights Defenders.¹¹⁸

5.2 Women Human Rights Defenders and Patriarchal Attitudes behind the Threats

The attacks and persecution of Women Human Rights Defenders (WHRDs) are different from those perpetrated against their male counterparts. WHRDs are not only attacked for their work in protecting the rights of others, defence of territory and work on promoting the implementation of the FPA, but also for having crossed the “limit imposed on women” they are “punished” for earning a place in the public sphere.

“It is important to think about the differentiated impacts caused by the persecution of WHRDs... a life has been ended, her leadership ended violently, but also in a patriarchal society... her death is symbolic. When a WHRD is killed, it is sending a message of social sanction and silencing to those women who have dared to participate, to demand, and to struggle for their rights.”¹²⁰

July Fajardo during ABColombia Conference in November 2017.

“We sometimes even pay with our bodies.”¹¹⁹

Following the recent killing of a WHRD, the husband of one of the women from her organisation said: ‘Do you realise now that this is what happens when you meddle where you aren’t welcome, abandoning your children, not behaving yourself and stay at home and where it is safe.’¹²¹

The participation of WHRDs and women victims in the delegations that went to Havana to present their proposals to the negotiators raised their profile considerably. WHRDs face a paradox, working together they were effective in achieving a gender perspective in the FPA, this increased their visibility, and in turn exposed them to greater risk. Murders against WHRDs have shown in the last year higher levels of violence and brutality.¹²² Graph 1 demonstrates how, between the start of the Peace Talks (2012) and the first year of implementation of the FPA (2017), the killings of WHRDs tripled.¹²³

The profile gained in the FPA of women’s and LGBTI rights was negatively used during the plebiscite on the Peace Accord; those in powerful positions with patriarchal attitudes pushed a ‘no vote’ based on a campaign against the so-called “gender ideology”. As a result, this further increased the vulnerability and elevated the risks for those working to defend women and LGBTI rights. Subsequently, between 2016, when the plebiscite was held, and 2017, the number of WHRDs killed doubled,¹²⁴ and threats against LGBTI defenders also saw a disturbing increase from 5 to 26 in the same period.¹²⁵

Graph 1 Source: UN Office of the High Commissioner for Human Rights

Year	2012	2013	2014	2015	2016	2017
WHRDs killed	7	11	6	10	11	22
Overall number of HRDs killed	69	78	55	63	82	121
% of women killed	10%	14%	11%	16%	13%	19%

The language used in threatening messages often includes sexist content, allusions to the female body and sexual insinuations.¹²⁶ These discriminatory attitudes towards women indicate disdain by the perpetrators, as well as, a patriarchal vision that seeks to appropriate the female body and sends the message that the perpetrators can “have” them at any time.¹²⁷

Threats against WHRDs for their participation in public and political life also refer to traditional gender stereotypes and in some cases they threatened the WHRDs’ children. Both aspects reflect a traditional vision of women linked to the private and care environment, using their role of caregiver negatively. For example, a pamphlet circulated in Bogotá in August 2018 said, ‘fighting for women’s rights, they are shit, all that they are is our maids, let’s see if they are going to do the housework...’¹²⁸

There are many factors at play in this worsening situation of risk and insecurity. In the context of the setbacks to the implementation of key aspects of the FPA with the FARC, such as the comprehensive reincorporation of former combatants, rural reform and voluntary substitution of illicit crops, it is WHRDs who have been visible in demanding implementation and facilitating advances in the implementation of the FPA in the regions. According to the OHCHR, ‘[t]his constitutes a new tendency in the motives for killings. In previous years, most [HRDs] were killed because of their opposition to Government policies, not for their support of them.’¹²⁹ The stigmatisation by security forces and other sectors of the State suggesting that HRDs are guerrillas for supporting the implementation of the FPA, has also been a factor in the increased risk and killings of WHRDs.

In many municipalities strategic for the illicit economies associated with drug trafficking, such as Tumaco, the start of the process to reincorporate former FARC guerrillas into civilian life was accompanied by a notable increase in, and diversification of, armed actors, who were characterised by the absence of unified and visible command and operational structures. The state response was to increase the presence of the Armed Forces in these areas.¹³⁰ The high levels of militarisation by both illegal and legal armed actors has elevated the levels of risk to the life and physical integrity of women. WHRDs are subject to daily controls by the armed groups and stigmatised by all armed actors because of their work. Girls and young women face particular risks, as sexual violence is used to punish girls and young women who fail to comply with the “rules of behaviour” imposed by these groups.¹³¹

‘There is a mixture of everything here, with narcos, dissident [FARC guerrilla] groups and paramilitaries.... Here, being a woman, pretty, or young makes you a military target of all the armed groups and the narcos. As well as that, we live surrounded by illegal economies, which intensify these patterns of violence against women.’¹³²

The increasing presence of all kinds of armed groups also raises the level of risk for LGBTI people, ‘since many of [these armed groups] reproduce negative stereotypes and even attack members of this group in order to legitimise the social control they exercise, by echoing the prejudice found in the communities where the victims live.’¹³³ In 2017, there were 66 registered acts of police violence, the majority of victims were from the LGBTI population. ‘Risk was due not only to negative perceptions of the sexual orientation or gender identity of the women and of other HRDs, who are considered to be personally immoral, but also to the fact that their work is considered to constitute a defence or promotion of immorality.’¹³⁴

The situation in the rural areas is further complicated as a result of the criminalisation of HRDs.



Case Study: Criminalisation

Sara Quiñonez and Tulia Valencia (mother and daughter) are recognised Afro-Colombian leaders and HRDs. Sara belongs to the governing board of the community of Alto Mira y Frontera (Tumaco) where she has been President and Vice President, Tulia participates in community councils and is a member of the Women of Alto y Mira group, and both women are also part of the Black Communities Process.

For their defence of collective and territorial rights of Afro-Colombian communities they were threatened and received protection from the National Protection Unit, as well as precautionary measures ordered by the Inter-American Commission on Human Rights. As a result of threats and violence against other defenders and members of their community, Sara and Tulia were forcibly displaced to Cali.

On 20 April 2018, they were detained by Colombian authorities and accused of rebellion and aggravated conspiracy to commit a crime, linking them to the ELN. That day, a total of 33 people, including Sara and Tulia, were arrested in Cali and the department of Nariño; among them were former mayors, Indigenous leaders, ex-officials of administration, and FARC ex-combatants.

While some people were released, the judge ordered the imprisonment of Sara and Tulia. Following their arrest, local and international human rights organisations expressed their concern, protesting and rejecting the accusations and charges made against Sara and Tulia.

The process of organisation, resistance and defence of Indigenous territories has been assumed in greater numbers and with greater force by women leaders, as traditional authorities, governors, council members in *Resguardos* and as leaders of Indigenous organisations. The Nasa women from ACIN – Indigenous Councils of Northern Cauca – have repeatedly reported that this leadership has increasingly exposed them to risks, and that they receive constant threats and attacks on account of the work they are undertaking in defence of human and collective rights.¹³⁵

5.3 Impunity

According to the OHCHR, it is critically important that those responsible for attacks against HRDs are brought to justice; were this to occur, it would help to improve protection and non-repetition. In 2017, 70% of the judicial investigations into the killing of HRDs were still in the initial investigation stage; in other words, these cases had not advanced, and in only five cases had there been a sentence, two of which were cases of WHRDs.¹³⁶ This conveys a message of permissiveness and tolerance.

In this context, women's organisations have been at the forefront of several initiatives to raise awareness of the situation, demand adequate protection measures, and propose strategies. In June 2018, as a result of their efforts, the Comprehensive Programme for Women Leaders and Human Rights Defenders was created.¹³⁷ This programme represents a significant advance for many women, as it offers improved measures for women's CSOs.

Rural women, especially those in remote areas are also in the process of developing strategies to present to the government to help guarantee their safety. Their proposals require that the State

provides protection and prevention measures for WHRDs, which take into account the risks generated for them as defenders of environmental and territorial rights. These measures must have a gender, differential, collective and territorial approach and ensure the effective participation of women, a budgetary allocation and implementation deadlines.¹³⁸

5.4 Security, the State and CSO participation

The need to rebuild the justice and security sectors is critical, not only for the protection of women and combatting impunity, but also for the full participation of women in all aspects of peacebuilding, which are key pillars of the women, peace and security agenda.

Implementation of the Peace Accord is overseen by a series of Commissions. However, whilst women are represented in most of the commissions, their representation is not uniform. There is a lack of women representatives in the area of security. On the National Commission on Security Guarantees, the highest-level committee chaired by the President, there are no Colombian women CSOs represented. In the setting up of this Commission, the FPA states that 'the effective participation of women shall be promoted'.¹³⁹ The aim of the Commission is to create security guarantees and to develop strategies to 'fight criminal organisations responsible for homicides and massacres or who attack human rights advocates, social movements or political movements, including the criminal organisations that have been labelled as successors of paramilitarism and their support networks, and for the prosecution of criminal conduct that threatens the implementation of the agreements and the construction of peace'.¹⁴⁰

The lack of representation of women's CSOs on this high-level Commission means the contribution that women can make in respect to what security means for women, and how security can impact on gender, is lost. The *Cumbre de Mujeres* made an official complaint pointing out the lack of representation of women's CSOs which contravened the transversal guidelines for implementation of the FPA. Two elected representatives of the Cumbre were then invited to attend the Commission. However, under ex-President Santos there was a change in vice-president to General Oscar Naranjo; when this happened, the women representatives from the Cumbre were told they could no longer participate. This continues despite the criteria for setting up the committee itself saying that the effective participation of women had to be promoted.¹⁴¹ Despite women also being supported by the normative basis provided in international commitments, for their participation in peace and security, they can only exercise this right in practice if they can alter the gender hierarchies that deny them power and choice.¹⁴² Transformation of the security sector requires dialogue with women to ensure that security policies have a gender-based and ethnic approach.

The High-Level Security Commission, in accordance with the provisions of the FPA, has a sub-commission on gender. When the two CSOs' women representatives were denied access to the Commission, they suggested that instead they attend this gender sub-commission; however, even this idea was rejected based on the same argument that if an exception is made for one group others will also want a seat. Patriarchal attitudes frequently deny women access to high-level decision-making bodies and see security as a male dominion; such cultural norms not only limit women's participation but also the changes that could deny a gender perspective to security. It should be noted further that there are no representatives from Afro-Colombian CSOs on the High-Level Security committee; this is also a major gap, considering the commitment to pluralism in the FPA.

5.5 Local Police Services

The need to address security for women at the local level with a gender perspective can be seen in the example of a recent study undertaken by CIASE and DCAF with rural women.¹⁴³

Currently, the Colombian National Police Force is incorporated in the Ministry of Defence. Because of this link, and their way of operating in the internal conflict, there is a culture of militarisation within what is clearly a Police "Force", not a civilian police service. This is an issue that will need to be addressed if the Police are to be viewed by the local population as a civilian service promoting social cohesion. 'Decades of conflict have led to deep mistrust within society, especially in the territories most affected by the conflict.'¹⁴⁴ According to the study by CIASE/DCAF, rural women perceive the police as a masculine institution.¹⁴⁵ They report that the police officers that they encounter often exhibit sexist and authoritarian behaviours. Women reporting crimes are frequently told that domestic violence is a private matter and not something for the police. Training in gender and increasing the number of women in the police force would help to change this perception, provided the women police had received training on how to provide effective attention to rural women, whether they are peasant farmers, Indigenous or Afro-Colombian women.¹⁴⁶

Certainly, after the conflicts in Afghanistan, Kosovo, Liberia and Nicaragua, increasing the proportion of women in the police services was seen as an essential part of police reform. Nicaragua set up female-only police stations and other countries appointed specialised prosecutors, created specialised police units and/or police focal points to encourage women to report crime and so increase access to justice. Women's organisations are included in the training of police officers on gender issues in many post-conflict countries. Women's CSOs bring specific expertise to gender training and civilian oversight mechanisms, which help ensure accountability and transparency of Police Services, and their adherence to human rights.

Case Study: Candelaria

After being arrested under false charges, Candelaria was raped by a policeman. "The most difficult thing is that the person who assaulted me was an agent of the State, the people who are supposed to protect our rights and security, and it was exactly these people who harmed me."

Years later, the same policeman who raped her began making threats against her, and Candelaria reported the threats to the Prosecutor's Office. There, she was told that it would be best to say it was a paramilitary and not a

policeman who raped her, as she would be given a larger compensation. She declined, as she was not looking for money, but for truth and justice.

Later, when she returned to the Office to follow up on her case, she was told her statement was not there, and that she would have to make a new one.¹⁴⁷

6.0 Reintegration of women of the FARC

“The creation of the Gender Sub-Commission as one of the agreements of the Peace Talks, is, apart from being innovative and unparalleled, a historic opportunity to acknowledge the impacts of socio-political and economic violence on women and girls. But, above all, it is an opportunity to take concrete actions that promote the transformation of structures that have reproduced discrimination and violence against women, as well as social exclusion.”

Victoria Sandino (ex-FARC Commander and now Congresswoman)

At the time of the peace negotiations in Havana, women constituted approximately 40% of the FARC guerrilla.¹⁴⁸ Over the four years of the negotiations, 40 women participated on the team of the FARC;¹⁴⁹ towards the end of the peace talks, in April 2016, nearly half of the members of the FARC delegation in Havana were women.¹⁵⁰ Women of the FARC participated as negotiators, advisers, and supported the delegations with communications.

Female combatants require specific attention in a disarmament and reintegration process. This is recognised in paragraph 13 of UNSC Resolution 1325, which states that in the design of disarmament, demobilisation and reintegration programmes, parties should “consider the different needs of female and male ex-combatants and to take into account the needs of their dependants.”

The FPA sets out a reintegration process which is composed of three central elements: political reintegration, economic reintegration and social reintegration. It was agreed that all three elements should have a differential focus with an emphasis on women's rights.¹⁵¹ The Gender Sub-Commission proposed and promoted reintegration measures for female ex-combatants.¹⁵²

“This result consolidates our commitment to recognise ourselves and to recognise women as protagonists in the construction of peace and social justice, our commitment to create conditions that allow us to advance the transformation of the unequal power relations between men and women, which keep being reproduced through multiple mechanisms, especially through violence against women, in public as well as in private.”

Victoria Sandino

The implementation of the reintegration of the FARC has seen several delays and obstacles. It wasn't until July 2018 that the UN Verification Mission reported that tangible efforts had been made in relation to the inclusion of gender-specific provisions.

6.1 The FARC's Vision

“Reintegration with a gender focus and a focus on women's rights is what we have been advancing by working on a reintegration strategy that has several elements: political participation, economic empowerment, social guarantees and security guarantees, as well as guarantees related to the protection of women.”

Victoria Sandino

The FARC adopted its own strategy for the reintegration of women. The following specific gender-based measures were highlighted by Victoria Sandino during ABColombia's women's conference in London in November 2017:

- Reintegration must provide guarantees to a right to life free of violence and include prevention measures and integrated support.
- Political participation: educate women politically and encourage their active participation in civil society.
- Access to justice for female ex-combatants: Education in relation to access to justice mechanisms and procedures (including the JEP). Moreover, women need access to legal advice and state-funded representation. Those who have been victims in the conflict should have the same rights to access justice.
- Search for children: Support for female ex-combatants who had to give up their children; many mothers do not know where their children are. Psycho-social support in the search for their children.
- Child care: Women must have access to child care services in order to be able to fully participate in reintegration programmes.
- Education: Access to education programmes for women, including training on the prevention of gender-based violence.
- Memory: to create a research and learning centre for female ex-combatants, in cooperation with other women, to learn about women's agendas, recuperate and share memory.
- Support for women victims of violence: The creation of a comprehensive care centre for women victims of violence.
- The international community can help monitor the process, ensure the protection of women against violence and put pressure on the Colombian government regarding the implementation of the FPA, especially in terms of security of female ex-combatants and all women.

6.2 Political Participation

Women's equal right to political participation is not only a right recognised in international human rights law (Art. 7 CEDAW), it is also fundamental in addressing stereotyping and gender-sensitive decision-making processes. The FARC adopted a strategy document for the reintegration of female combatants, which includes political education, advocacy and representation in public debates and government, making women visible as relevant actors, leaders and protagonists in national politics, as well as guarantees of legal certainty and security in women's transition to civilian life and political participation.¹⁵³

"For women's political participation it is important that in addition to political reform there are special congressional seats for peace.¹⁵⁴ The initial proposal was that there would be unique lists and that at least one woman had to be on each list. However, this proposal was only passed in the House of Representatives and rejected by the Senate. It remains to be seen what the conciliation process leads to. A programme that focuses on the participation and leadership of women would be very important at this stage, but it is still not in place. In relation to political participation, our central objectives are: the participation of female ex-combatants in politics, historical memory to learn about the reasons they joined the armed struggle, education about governance and public policy, women's rights, and advocacy at the local level, with local authorities and other women."

Victoria Sandino

The implementation of the political aspect of reincorporation has already had tangible results with the creation of a political party - Common Alternative Revolutionary Force (*Fuerza Alternativa Revolucionaria del Común* - FARC), which participated in the 2018 congressional elections.¹⁵⁵ As a political party, the FARC declared itself to be inherently feminist. Out of the 74 candidates the FARC put forward for the 2018 congressional elections, 39% were women. However only 2 seats out of the 10 Congress seats given to the FARC by the FPA are filled with women.¹⁵⁶

Since its initiation, the FARC political party has been exposed to threats and attacks. So far, no female party members have been killed, but attacks and harassment against women in the political party have been reported and security remains a critical issue.¹⁵⁷ Women who actively participate in political campaigns at a local level often required police protection when they went to public events.¹⁵⁸

6.3 Security

There were significant delays in the implementation of the Transitional Zones for Neutralisation (TZN), in terms of housing, education and reintegration programmes, to facilitate transition into

civilian life.¹⁵⁹ The Government was seriously deficient on providing adequate conditions for FARC members to live in these zones; there was a lack of sanitation, clean water, food, electricity and extremely poor housing.

One of the early mistakes in the reintegration process was that of taking the "universal male ex-combatant stereotype" as basis for the design of reintegration programmes; this meant that gender differences were not considered in the measures implemented, including issues like reproductive rights and the differential impact the war had on women.¹⁶⁰ In this context, specific risks that women face, such as femicides, sexual violence and other forms of gender-based violence, have not been sufficiently addressed in relation to female ex-combatants.¹⁶¹ In September 2017, the *Defensoría* highlighted the risk of sexual violence in and near the TZNs, and specifically links between the risk of sexual violence in communities around the TZNs and the presence of Security Forces in those areas, including inappropriate relations between members of the Security Forces and minors.¹⁶² In addition, there is evidence that female ex-combatants have also suffered domestic and intimate partner violence within the zones.¹⁶³ All this highlights the importance of having a gender-based approach to reintegration, including psycho-social support with a gender focus for female ex-combatants.

'Inclusive economic projects are not only essential for development and reintegration, but also for the sustainability of peace.'¹⁶⁴

6.4 FARC Women and expectations of Civilian life

For women in the FARC it is also crucial not to be forced into traditional gender roles. Life in the FARC was based on the assumption of gender equality. Even if gender-based violence, such as forced abortions and rape within the FARC have been documented,¹⁶⁵ the perception of gender roles is an important aspect for the reintegration of women. In fact, the entrenched sexist power structures in Colombian society are something ex-combatants say they struggle with in the reintegration process.

"In the guerrilla...as women, we used to do the same things men did. There was no discrimination, men and women respected one another. We were never housewives. Men had to do their own laundry... Women were seen as capable persons..."

Edy Baitá, female ex-combatant from Chocó.

One issue that has not been sufficiently addressed is the “baby boom” after the disarmament process, as many ex-combatants chose to have a baby.¹⁶⁶ However, only 77 per cent of pregnant women in the reintegration process had access to prenatal care. As many ex-combatants are choosing to build families, many issues arise, ranging from adequate child care, reproductive and sexual rights and adequate support for pregnant and breast-feeding women.¹⁶⁷ For Afro-descendant and Indigenous female ex-combatants, measures to protect and educate about reproductive rights requires not only a gender-based approach, but also an ethnic focus, to allow them to restore and maintain their ancestral cultural practices.¹⁶⁸

“In the battle field, [female ex-combatants] had been equal to men... in civil life there was an expectation to return to more traditional roles... many babies are being born now... and it is important that the programmes of reincorporation of women ensure women will have the same opportunities to participate in education and job opportunities, and ... that these programmes include care policies for children, as well as encouraging change towards men taking care of children more often.”¹⁶⁹

In many of the TZNs, there is only limited or no access to sexual health services and reproductive rights. Education is limited to contraception and there is a lack of training to prevent discrimination, domestic violence or gender stereotyping.¹⁷⁰ The FARC’s reintegration strategy for women emphasises the importance of designing and implementing public policies in relation to women’s human rights, with a focus on sexual and reproductive rights.¹⁷¹

The Swedish Embassy has developed some model programmes to address gender issues with ex-combatants:

“...in the FARC transition zones, where we have... done training on topics of gender, social matters and health in order to facilitate transition ... For women to be able to take advantage of their empowerment, ... to create a society where they can take care of their children if they want to, but also work and contribute to society, and achieve economic empowerment, too. There are many possibilities and a general interest within the FARC to take advantage of everything their movement can create, including empowering women in Colombian society.”

Annika Otterstedt, Head of Development Cooperation, Swedish Embassy, during ABColombia conference in November 2017.

6.5 Social and Economic Reintegration

The FARC’s reintegration strategy specifically aims at encouraging the active participation of women in collective production projects with the objective of guaranteeing economic autonomy for women.¹⁷²

The implementation of productive projects has been extremely slow. In 2017, the *Defensoría* was highlighting the institutional barriers and a complete absence of productive projects with a gender focus, specific to the needs of women and mothers heads of households.¹⁷³ Lack of access to agricultural land for reintegration linked with the delays in the implementation of the RRI chapter disproportionately affects women.¹⁷⁴ It was not until June 2018 that a reintegration policy with gender-specific actions was adopted. Progress is now being made in determining and prioritising productive projects led by female ex-combatants.¹⁷⁵ In September 2018, for the first time, the UN Verification Mission noted significant progress in relation to the economic integration of female ex-combatants.¹⁷⁶

As a result of the delays, female ex-combatants in many regions started establishing joint productive initiatives for women¹⁷⁷ with the support of the UN Verification Mission and UN Women, who created a high-level forum to facilitate international funding in support of female ex-combatants’ economic projects.¹⁷⁸ However, significant and swift measures are needed to ensure the implementation of the National Policy for Reintegration to provide viable economic opportunities for ex-combatants.¹⁷⁹ Inclusive economic projects are not only essential for development and reintegration, but also for the sustainability of peace as such. This is particularly important in light of the existing incentives for both men and women to leave the peace process and join other illegal armed groups.¹⁸⁰



Victoria Sandino (FARC) participating in ABColombia’s conference via video conference.

7.0 Peace Budget with a Gender Perspective

“In light of the challenges that are facing Colombia in the post-agreement phase, it is crucial to ensure that gender remains central to implementation.”

The ABColombia Conference of November 2017, which is the forerunner to this report, received input on designing Peace Budgets with a Gender Perspective. Gender-specific budget analysis is needed to ensure that the gendered priorities of peacebuilding are considered when setting budgets. Gender equality and women's needs are frequently low priorities in the overall peacebuilding budgets. Gender budgeting and a commitment by national and local authorities to include it in development plans and all institutional policies is essential for gender to continue from the FPA into implementation. The proposal to adopt Peace Budgets with a Gender Perspective was presented by Laura Mitchell from the Norwegian Centre for Conflict Resolution (NOREF) during the ABColombia conference in November 2017.

Inequalities in economic and social rights are some of the root causes of this conflict, addressing these through development strategies is vital for sustainable peace. 'Economic liberalisation

measures often rely heavily on extractive industries, agribusiness and infrastructure projects, tend to disproportionately benefit those (mostly men) who have won and maintain power through violent conflict and crime.¹⁸¹ Colombia should instead pursue development policies that include gender-sensitive conflict prevention, as well as, social and transformative justice. Therefore, sustainable economic development strategies that serve all social groups within communities are crucial. Ensuring women's participation not only in peace processes but in decision-making about the economy and access to resources in post-conflict contexts is important to ensuring gender-responsive budgets and investment strategies.¹⁸²

In light of the challenges that are facing Colombia in the post-agreement phase, it is crucial to ensure that gender remains central to implementation.



Sisma Mujer

Endnotes

- ¹ Public statement by Nigeria Renteria, Presidential Adviser for Women's Equality, on 7 September 2014. <https://bit.ly/2D7LZLY>
- ² Maria-Paulina Riveros and Victoria Sandino each lead a five-person team on the ten-person Gender Sub-Commission; the Cuban and Norwegian Governments each provided a gender expert, and other experts when requested.
- ³ Hilde Salvesen, Facilitator of the Negotiations at the Norwegian Ministry of Foreign Affairs – at ABColombia Conference on 22 November 2017.
- ⁴ UNSCR 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009).
- ⁵ Video of ABColombia Conference, available at <https://bit.ly/2f0nltN>.
- ⁶ Technical Verification Secretariat – CINEP/PPP-CERAC, Primer informe sobre la implementación del enfoque de género (June 2018).
- ⁷ Semana, 'Ideología de género: una estrategia para ganar adeptos por el "No" al plebiscito', 17 August 2016.
- ⁸ Security Council Press Statement on Colombia (SC/13538), 11 October 2018.
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- ¹⁰ Interview with Janeth Lozano, CODACOP, August 2018
- ¹¹ FPA, p. 10.
- ¹² Colombian Constitutional Court, Auto 092/08, Auto 009/15 and Sentence T-718/17.
- ¹³ UNHCR Report, Global Trends: Forced Displacement in 2017 (25 June 2018), p. 33
- ¹⁴ ABColombia, 'Chocó: Indigenous people forced to flee' (28 April 2017) <https://bit.ly/2D77hqp>. See also: UNHCR, 'Forced displacement growing in Colombia despite peace agreement' (10 March 2017).
- ¹⁵ Justina Demetriades, Gender, Conflict and Fragility Lead, Oxfam GB, ABColombia Conference on 22 November 2017.
- ¹⁶ FPA, p. 16.
- ¹⁷ UN Women, 'Preventing Conflict, Transforming Justice, Securing the Peace: UN Global Study on the Implementation of United Nations Security Council Resolution 1325' (2015).
- ¹⁸ To eradicate extreme poverty, reduce by 50% rural poverty in all its dimensions and reduce inequality.
- ¹⁹ Mariana Escobar Arango, Territorial Renewal Agency, 'Territorially Focused Development Plans can transform the countryside and strengthen peace in Colombia' (LSE Blogs, 10 October 2017).
- ²⁰ According to the FPA 1.14: the National Government will make available: support programmes in the areas of housing, technical assistance, training, land improvement and soil recovery where necessary, rural productive projects, marketing and access to the means of production that add value, inter alia, and will scale up the provision of public goods and services within the context of the [PDETs].
- ²¹ FPA, p. 35.
- ²² Mariana Escobar Arango, Territorial Renewal Agency, 'Territorially Focused Development Plans can transform the countryside and strengthen peace in Colombia' (LSE Blogs, 10 October 2017).
- ²³ David Cortright et al, 'Governance for Peace: How Inclusive, Participatory & Accountable Institutions Promote Peace & Prosperity' (CUP 2017); cited in Kroc Institute Report No 2, 2018.
- ²⁴ FPA, p. 6.
- ²⁵ CINEP/PPP-CERAC, Primer informe sobre la implementación del enfoque de género (June 2018) 42.
- ²⁶ Ibid.p.42
- ²⁷ Ibid.p.42
- ²⁸ Ibid.p.42
- ²⁹ Ibid.
- ³⁰ Ibid p.42-43.
- ³¹ Several communities express concern that their communities are not included in the PDETs, e.g. PDET of South of Bolívar, Norosis has not been included, despite 100% of the inhabitants are victims of the armed conflict.
- ³² Committee on Economic, Social and Cultural Rights, Concluding observations of 19 October 2017 (E/C.12/COL/CO/6), para. 18c.
- ³³ Croatia, Czech Republic, Cyprus, France, Germany, Hungary, Italy, Ireland, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Spain, Sweden, the United Kingdom, Slovakia, Slovenia.
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- ⁴³ United Nations, Annual report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia (A/HRC/37/3/Add.3, 21 March 2018) p. 3.
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- ⁵³ El Espectador/ Colombia 2020, 'Las deudas que tenemos con las mujeres cocaleras' (23 June 2017).
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- ⁵⁷ FPA 6.2.1, p. 217.
- ⁵⁸ FPA 6.2.3.
- ⁵⁹ FPA 6.2.1, p. 217.
- ⁶⁰ UN Committee on the Elimination of Discrimination Against Women, Concluding observations on the combined 7th and 8th periodic reports of Colombia (CEDAW/C/COL/CO/7-8, 29 October 2013).
- ⁶¹ Amnesty International, 'Colombia: Scarred bodies, hidden crimes - Sexual violence against women in the armed conflict' (12 October 2004) p. 3.
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- ⁶³ A female director was appointed to the search unit in February 2018.
- ⁶⁴ The duration of its mandate will be a maximum of 20 years: Constitutional Court, Comunicado No. 55, 14 November 2017, Review of Legislative Act No. 01/2017.
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- ⁷⁰ Catharine MacKinnon, 'Are Women Human? And Other International Dialogues' (Harvard University Press 2007).
- ⁷¹ Victims Unit, Victims Register of Comprehensive Care and Reparation for Victims.
- ⁷² Baroness Anelay during ABColombia conference, 22 November 2017.
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- ⁷⁴ Sisma Mujer, 'Erradicar la violencia sexual para avanzar hacia una paz incluyente con las mujeres' (25 May 2018). National Institute of Legal Medicine and Forensic Science, Monthly Statistics Bulletin, July 2018.
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- ⁷⁷ FPA 5.1.1.1.2.
- ⁷⁸ Guiding criteria, FPA 5.1.1.1.
- ⁷⁹ Presidential Decree 588 of 2017, Art. 13(10).
- ⁸⁰ Interview with Sisma Mujer in August 2018.
- ⁸¹ FPA page 205.
- ⁸² See FPA, p. 162, s. III. See also, Oficina del Alto Comisionado para la Paz, 'ABC Jurisdicción Especial para la Paz'
- ⁸³ Jurisdicción Especial para la Paz, Criterios Y Metodología de Priorización de Casos y Situaciones (28 June 2018).
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- ⁸⁵ ABColombia Interview with Humanas in May 2018.
- ⁸⁶ OXFAM et al, 'Survey of the Prevalence of Sexual Violence against Women in the Context of the Colombian Armed Conflict 2010-15', <https://bit.ly/2xPzyYL>; Sisma Mujer, La Luz que nos queda (November 2017).
- ⁸⁷ Constitutional Court Auto 092 of 2008
- ⁸⁸ ABColombia, Colombia: Women, conflict-related sexual violence and the peace process (November 2013) p. 2 <https://bit.ly/2IUAIHP>.
- ⁸⁹ The IACHR and the UN Human Rights Committee both continuously state that in relation to conflict sexual violence in Colombia, levels of impunity are extremely high. Cf. IACHR, 'Follow-up on recommendations made by the IACHR in its country and thematic reports' (2016), para. 265; UN Human Rights Committee, 'Concluding observations on the seventh periodic report of Colombia' (CCPR/C/COL/CO/7, 17 November 2016), para. 18-19
- ⁹⁰ Sisma Mujer, La Luz que nos queda (November 2017) p. 161
- ⁹¹ IACHR, Hearing on State Anti-Impunity Obligations and Special Justice for Peace in Colombia, 21 March 2017
- ⁹² IACHR, Hearing on State Anti-Impunity Obligations and Special Justice for Peace in Colombia, 21 March 2017; Statement by James Stewart, Deputy Prosecutor of the International Criminal Court, 'The role of the ICC in the transitional justice process in Colombia' (13 May 2015).
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- ⁹⁴ Legislative Act 01 of 4 April 2017, transitory Art. 24.
- ⁹⁵ See e.g. Law Decree 706 of 3 May 2017
- ⁹⁶ Sisma Mujer, August 2018
- ⁹⁷ The Justice and Peace Process was the demobilisation process implemented for the Autodefensas Unidas de Colombia – right wing paramilitary groups in 2005.
- ⁹⁸ The need to make exceptions to the principle of public hearings in order to protect victims and witnesses of sexual violence is recognised in international criminal law, see for example, Art. 68(2) Rome Statute.
- ⁹⁹ This approach was adopted in South Sudan, highlighted in the Report of the Secretary General on conflict-related sexual violence (S/2018/250, 23 March 2018).
- ¹⁰⁰ Helga Flamtermesky during ABColombia Conference on 22 November 2017. Conference video available at <https://bit.ly/2f0nltN>.
- ¹⁰¹ Sisma Mujer, La Luz que nos queda (November 2017) p. 78.
- ¹⁰² ABColombia round table event Chatham House Rules.
- ¹⁰³ ABColombia round table event Chatham House Rules.
- ¹⁰⁴ FPA 6.2, Chapter on Ethnic Perspectives.
- ¹⁰⁵ FPA, p. 191.
- ¹⁰⁶ FPA, p. 193.
- ¹⁰⁷ Sisma Mujer, La Luz que nos queda (November 2017).
- ¹⁰⁸ Constitutional Court, Auto 09 of 2015, point II.3.1.2. 2
- ¹⁰⁹ According to a public statement by the Victims Unit of 24 May 2017, 37% of victims of sexual violence had received compensation.
- ¹¹⁰ Regarding this topic, see Constitutional Court Sentence T-718/17 of 11 December 2017.
- ¹¹¹ FPA, p. 192.
- ¹¹² Sisma Mujer, La Luz que nos queda (November 2017)..
- ¹¹³ ABColombia, 'Concerns about new spike in killings of Human Rights Defenders in Colombia' (27 July 2018) <https://bit.ly/2mMnHxJ>.
- ¹¹⁴ Human Rights Ombudsman (Defensoría del Pueblo), Homicidios de líderes sociales y defensores de DDHH entre el 01 de enero de 2016 y el 22 de agosto de 2018, <https://bit.ly/2A1HYsF>.
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- ¹¹⁹ Humanas, Boletín Paz con Mujeres, Special Edition about women leaders and WHRDs in Colombia, September 2018.
- ¹²⁰ July Fajardo (Humanas) during ABColombia Conference on 22 November 2017.
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- ¹²² Programa Somos Defensores, Piedra en el Zapato, 2017 Annual Report, p. 60 & 83.
- ¹²³ The figures for 2017 are based on the reports of Somos Defensores and ¡PACIFISTA!. Two trans women are included in this graph.
- ¹²⁴ Some analyses, even suggest an increase by 133% in 2017, considering the discrepancies depending on the source. Corporación Sisma Mujer, 'Análisis comparativo de los asesinatos a líderes, lideresas y defensoras/es de DDHH en Colombia', September 2017
- ¹²⁵ Caribe Afirmativo and Colombia diversa, La discriminación, una guerra que no termina: Informe de derechos humanos de personas lesbianas, gays, bisexuales y trans en Colombia 2017 (July 2018) p. 63.
- ¹²⁶ Human Rights Ombudsman (Defensoría), Early Warning No. 026 – 2018 about the risks for social leaders and Human Rights Defenders in Colombia.
- ¹²⁷ Análisis comparativo de los asesinatos a líderes, lideresas y defensoras/es de DDHH en Colombia, September 2018, available at <https://bit.ly/2P1gPx2>.
- ¹²⁸ In Human Rights Ombudsman (Defensoría), Early Warning No. 026 – 2018.

- ¹²⁹ Human Rights Council, Annual Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia (A/HRC/37/3/Add.3, 2 March 2018) para. 11.
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- ¹⁴⁰ FPA Chapter, p. 8.
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ABColumbia is the advocacy project of a group of five leading UK and Irish organisations with programmes in Colombia: CAFOD, Christian Aid (UK and Ireland), Oxfam, SCIAF and Trócaire. Amnesty International and PBI are observers. We work on issues related to human rights and human rights defenders, development, forced displacement and civil society's participation in the peace process. ABColumbia develops the collective advocacy work of its members. Our members work with over 100 partner organisations in Colombia, most of them with little access to national and international decision-making forums.

www.abcolombia.org.uk

The **Corporation for Research, Social and Economic Action (CIASE)** is a Colombian feminist organisation that works to defend human rights, particularly economic, social, cultural and environmental rights in Colombia. CIASE works closely with marginalised communities and especially Indigenous women, whose territories have been disproportionately affected by Colombia's armed conflict.

www.ciase.org

Grassroots Community Support Corporation (Codacop) is an interdisciplinary Colombian organisation, working in support of community-based groups seeking alternative models of development. Codacop works with Indigenous communities to promote autonomy and self-management and adopts a holistic approach by providing advice, training programmes, promoting networks and linking different civil society groups.

www.codacop.org.co

The **Forum for Women and Development (FOKUS)** is a knowledge and resource centre for international women's issues. FOKUS works to promote women's empowerment, rights and access to resources. Through advocacy and international development cooperation, the organisation aims to strengthen women's human rights and participation in society.

www.fokuskvinner.no/colombia/

The **Colombian Rural Women's Platform** is an advocacy network promoting agricultural rights and the rights of rural women in Colombia. The Platform defends the rights of women peasant farmers (campesinas), agricultural workers and rural communities, and promotes their role as agents of change and peacebuilding in the Colombian countryside.

www.yosoymujerrural.com

Sisma Mujer is a Colombian feminist organisation, which works with women victims of gender-based violence and discrimination in the private and public spheres, as well as in the context of the armed conflict, to increase their participation, protect their human rights and promote their role as agents of transformative change.

www.sismamujer.org

Tejido Mujer ACIN (ACIN Women's Network) forms part of the Association of Indigenous Councils of Northern Cauca (ACIN), which promotes spaces of reflection, education and training for women and men in Indigenous territories. The Tejido Mujer is a meeting space for women from the networks, programmes, Life Plans and other processes of Çxhab Wala Kiwe.

www.nasaacin.org/tejidos-y-programas/tejido-mujer

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